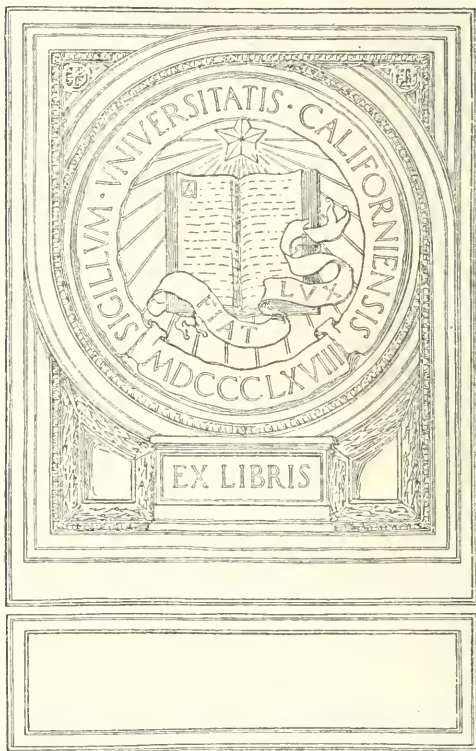


IOWA  
AND THE  
NATION

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CHANDLER — CHERNY

UNIVERSITY OF CALIFORNIA  
AT LOS ANGELES



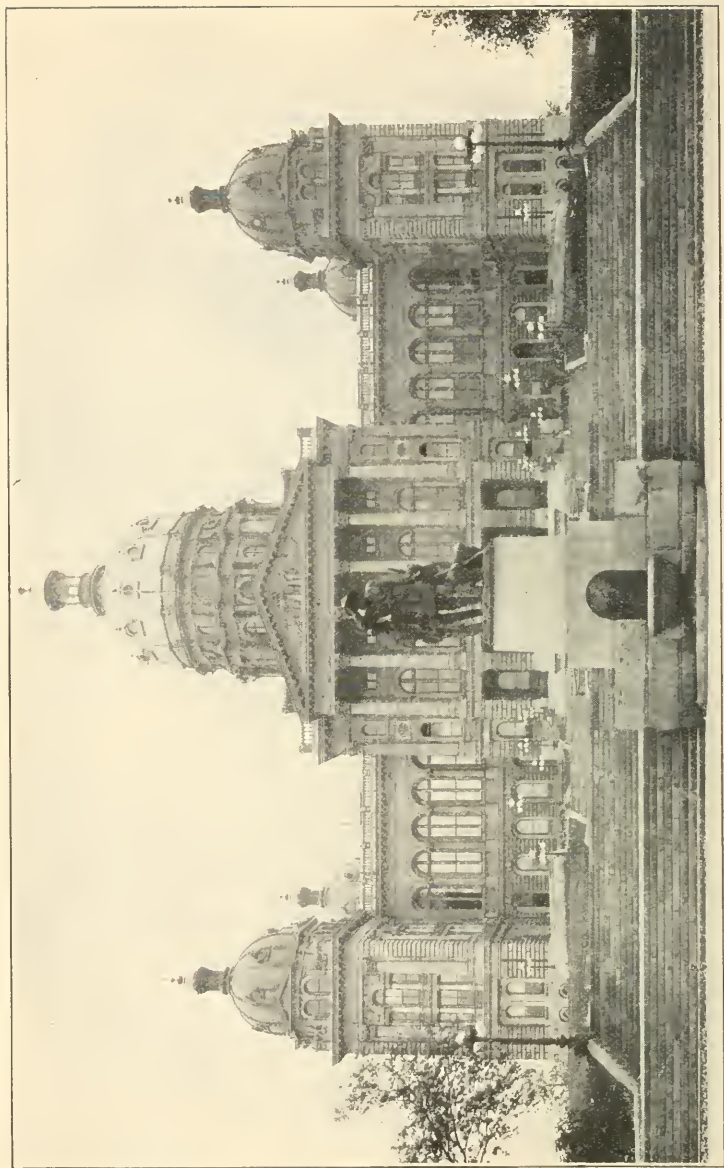


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STATE CAPITOL, DES MOINES

# IOWA AND THE NATION

BY  
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A. FLANAGAN COMPANY  
CHICAGO

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## PREFACE

This book has been written to answer a demand for a single text on state and national government. The increasing interest shown in the study of civil government is proof that the people are thinking and studying about governmental affairs as never before.

The statements of fact in some parts of the book are necessarily brief. To supplement the work in the study of Iowa government, constant reference should be made to the code, and also to the session laws of the general assembly. Many valuable public documents, for use in supplementary work, may be had, free of charge, by applying to the officers who have the care of the work upon which the information is desired.

A knowledge of the facts of civil government will not in itself result in good citizenship. If, as is so often stated, the primary object of the public schools is to train for citizenship, the work is but poorly done that does not have for its foundation the formation of right habits of thought and action, and the development of noble manhood and womanhood.

GEORGE CHANDLER.

306709

## EDITOR'S PREFACE

In assuming the joint authorship of *IOWA AND THE NATION* the writer feels that a sane and practical text in civics ought to give due emphasis to government as a living organism. Citizenship demands a knowledge of the *principles* of government. Many changes are made from time to time in the form and structure of our governments; consequently, young people must not only acquire patriotic impulses and high ideals of citizenship, but in a government "by the people" they must have an intimate knowledge of the machinery and structure of the government under which they live, in order to make the changes with intelligence.

The new *IOWA AND THE NATION* contains a list of questions and suggestions at the close of each chapter. Many of the questions are meant to elaborate the text and to provoke discussion and investigation of a great many subjects of community interest. The energetic teacher will not only make use of these but will further vitalize the subject by organizing the class as The Board of Supervisors, The City Council, A Town Caucus and for holding a township election; she will have pupils bring to class for study public documents, town warrants, reports of the proceedings of supervisors and legal forms of various kinds. These and many other practices, such as visiting a session of the district court, the city council and other public meetings make the study concrete and of immense practical value.

Independence, Iowa.

JOHN L. CHERNY.

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# IOWA AND THE NATION

## PART I

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### LOCAL GOVERNMENT

#### CHAPTER I

##### THE NEED OF GOVERNMENT

**The Individual and Society.** Every boy thinks that he would like to have the experience of Robinson Crusoe and live on an island all by himself, but it is safe to presume that he would soon become tired of such a lonely life, and would desire to return to his home and his playmates. On his island he would miss many of the conveniences of his home, and he would be compelled to do without many things that he had always thought necessary to his existence. To be sure, on the island he can do just as he pleases, because his acts will not interfere with anyone's rights or privileges, but his desire for companionship is stronger than his desire to do as he pleases at all times, and he returns home.

Wherever two or more people unite for any purpose such as playing a game of ball, digging a ditch or building a house, they must agree to follow certain rules or plans, and in most cases, one of the number must act as the leader. That is, the little group is organized into a society. The rules by which they are governed are their laws, and

the one whom they select for leader sees that all obey the laws. What this group of a few individuals does on a small scale society does on a large scale.

**Necessity for Cooperation.** Without organization society could not exist. Did you ever stop to consider how dependent the people of the village, city or school district in which you live are upon each other? What would you do were there no carpenters, merchants, shoemakers or doctors in your town? or what would all these people do if there were no farmers? Again, suppose all the railroads should stop running trains. Can you imagine the inconveniences you would suffer?

Thus we see that every member of society is dependent upon every other member. Society is like a great machine—if one part is out of order every part suffers. So in the world about us, every one has a duty to perform toward others. If every one were to follow his own inclination or his own selfish interest what disorder, confusion and anarchy would prevail! If every one were free to follow his own desire a thousand people might struggle for the possession of a single piece of land, a home, or some other property and the strongest would win. No one's life or property, and the strongest would win. No one's life or could be free to go about his work unmolested. Without cooperation and mutual helpfulness, without the sacrifice of selfish interests for the benefit of all citizens, every community would be in a constant state of riot, and society, in general, would be a mob.

**Necessity for Government.** As we look about us we find the people going about their daily tasks in an orderly and peaceful manner, each following his own occupation without interfering with those of his neighbors. Moreover, we find communities cooperating with each other in much the same way that individuals work together in supplying

each other's wants in a single community. Great railroads cross the continent in a network of lines, and by them millions of people far from farms and factories are supplied with food and clothing; the mails deliver his daily paper to the farmer each morning; the telephone has become a necessity in the country as well as in the city, and the parcel post makes it possible for every farmer to supply one or more families with his produce.

All this is possible because men have worked out a great plan or scheme of cooperation. We call this plan, government. In other words, government is merely a plan of securing order so that we may go about our affairs not only without interference, but with convenience and comfort. In order to do this effectively certain laws and rules are necessary, and it should be the highest aim of every citizen to obey these, not because those in authority say he must, but because good order and community, as well as individual, welfare are impossible without such obedience.

**Local, State and National Governments.** Whenever a group of people cooperate they need certain rules, differing according to the object sought. Boys need rules in playing a game of baseball; automobile drivers need another set of rules, while a church congregation must observe a still different set. So the people living in a community need rules pertaining to paving streets, building sidewalks, providing schools, caring for the poor, establishing water works and street lighting. These and many other matters pertaining to towns, cities, townships and counties concern the people directly, and the regulation of them is called LOCAL GOVERNMENT. There are a great many things, however, which the people accomplish to better advantage in larger groups. People of one community have many transactions with people of other communities, and so we must have rules concerning buying and selling

property, payment of debts, regulation of marriages and thousands of other affairs regarding persons and property, which concern the people alike in all communities. Control of these matters is called STATE GOVERNMENT. Our country is made up of forty-eight states, and, if there were not a still different set of rules, we would have a great deal of confusion. We would have forty-eight different kinds of money, forty-eight post office systems with as many different kinds of stamps, and forty-eight different sets of regulations for railroads and interstate business. Uniformity in such matters and in the dealings of our country with foreign nations is necessary, and so, for this purpose, we have a NATIONAL GOVERNMENT.

**The Study of Government.** When boys and girls play games they must be willing to "play fair," and in order to do this they must know the rules of the game, and if they are to be patriotic citizens they must not only be loyal to the government, but must know the "rules." These "rules" are the constitutions and laws which give us the form of organization of our local, state and national governments. We shall study all three of these in their relation to us, and shall learn how to cooperate in "playing the game" of citizenship. As we do this, we shall discover how these three agencies are contributing to our happiness every day in providing for our health, protecting our lives and property, surrounding us with opportunities for education, beautifying our communities, encouraging our business enterprises, providing for the poor and unfortunate, and adding to our comfort and convenience in a thousand ways.

### QUESTIONS AND SUGGESTIONS

1. Why may not every pupil do as he pleases in school? What is the relation of an individual to society? What is cooperation?

2. Why are rules necessary in playing a game? Why is government necessary?

3. To what three governments are we responsible? Name some things that each of these governments provides for us. Why do we have local boards of health, state pure food laws and national pure food laws?

4. Name as many ways as you can by which governments protect our lives and property.

5. What duty do pupils owe to their school? What duty do they owe the community which provides the school?

## CHAPTER II

### THE LAND SURVEY SYSTEM

**Congressional Survey.** We have learned that one of the services performed by government is to protect us in the right to hold property. If you own some land and some one claims that it belongs to him, you can prove that the land belongs to you by producing your deed. This deed will show that the land came into your possession lawfully, and it will describe the land in such a way that it cannot possibly be mistaken for any other land in the country. This description can be made as easily and in much the same manner as you would explain to a stranger which seat in the school room you occupy. You might explain that you sit in the third row from the north wall and in the fourth seat from the front. There is only one seat in the room that corresponds to this description. In 1785 Congress provided a system of surveys for locating land which is similar to the plan of locating your seat.

This system is known as the Congressional Survey. By it all government land that has been surveyed is divided into plots six miles square, and each of these plots is again divided and subdivided. The lines upon which these large divisions are based are known as principal meridians, range lines, base lines and township lines.

*Principal Meridians and Base Lines.* Before commencing the survey proper, it is necessary to establish two main lines, one extending north and south and the other east and west. These lines are purely arbitrary and they



are located without special reference to any other lines of the same kind that may have been surveyed before. The lines extending north and south and from which the

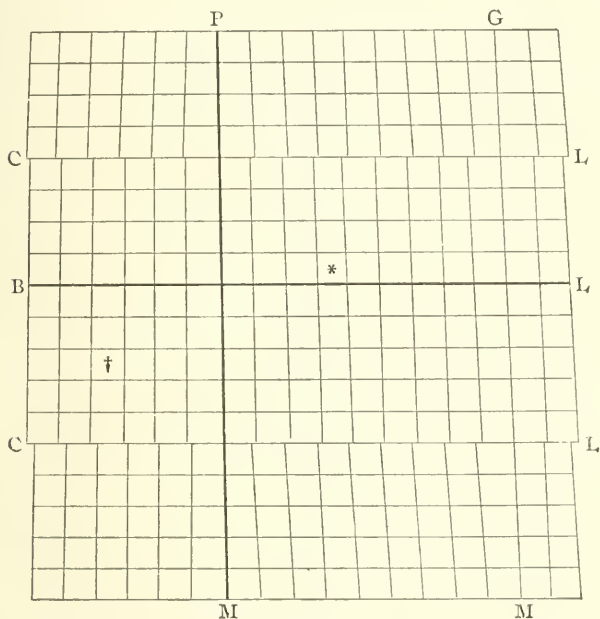


FIGURE 1

This figure shows a portion of a principal meridian, a portion of a base line, and township and range lines. Correction lines are marked C L.

survey is made are called principal meridians, and those extending east and west are called base lines. The principal meridians are numbered westward and a separate base line is established for each.

The principal meridians and base lines are long distances apart, but lines parallel with the meridians and base lines

respectively are surveyed six miles apart, thus dividing the land into townships six miles square. The lines parallel with the base lines are called township lines, and those parallel with the principal meridians are called range lines.

**Survey in Iowa.** The fifth principal meridian forms the basis of the United States land survey in Iowa. It extends due north from the mouth of the Arkansas River,

6	5	4	3	2	1
7	8	9	10	11	12
18	17	16	15	14	13
19	20	21	22	23	24
30	29	28	27	26	25
31	32	33	34	35	36

FIGURE 2

Figure 2 shows how a township is divided into sections.

crosses Missouri and the eastern part of Iowa, and passes out of the state at a point between Clayton and Dubuque counties. The base line extends due west from the mouth of the St. Francis River in Arkansas, and crosses the principal meridian forty-eight miles north of its starting point. By surveying lines six miles apart parallel with the base line, and others the same distance apart parallel with the principal meridian, the land lying north and west of the point of intersection of the main lines is divided into blocks six miles square. Each of these blocks is called a congressional township.

*Townships and Ranges.* To locate land by this system

of surveys two sets of numbers are used, one designating the townships north of the base line, and the other the townships west of the fifth principal meridian. Land may also be surveyed south from the base line and east from the principal meridian. For convenience the tiers of townships east or west of the principal meridian are called ranges, and those north or south of the base line are called

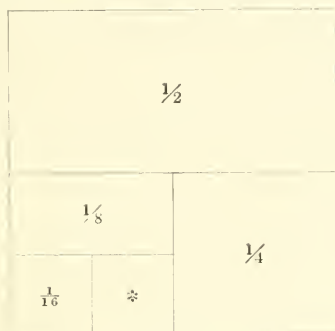


FIGURE 3

Figure 3 shows the divisions of a section. Suppose this is Section 15 of Township 5, Range 3 west of the 5th principal meridian, the description of these subdivisions will be as follows:

N.  $\frac{1}{2}$  of Section 15, T. 5 N., R. 3 W., 5th P. M.

S. W.  $\frac{1}{2}$  of S.  $\frac{1}{2}$  of Section 15, T. 5 N., R. 3 W., 5th P. M.

S. W.  $\frac{1}{2}$  of S.  $\frac{1}{2}$  of S. W.  $\frac{1}{4}$  of Section 15, T. 5 N., R. 3 W., 5th P. M.

How many acres in each section?

townships. All the land in Iowa is surveyed from the fifth principal meridian.

In the diagram the heavy vertical line marked P M represents a part of the principal meridian. It is crossed at right angles by a heavy line marked B L representing a part of its base line. The light vertical lines crossing the base line and parallel to the principal meridian are range lines, and

those parallel to the base line are township lines. The squares inclosed represent congressional townships. The townships are numbered northward and southward from the base line, and the ranges, eastward and westward from the principal meridian.

**The Congressional Township.** The congressional township is important only in connection with our system

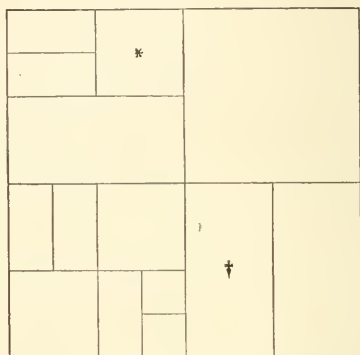


FIGURE 4

Figure 4 shows the subdivisions of a section without markings. You should describe each subdivision according to the plan given under Figure 3.

of locating land. It is a tract of land six miles square, divided into thirty-six square miles, or sections which are subdivided into half-sections, quarter-sections, etc., as shown in the diagrams.

**Correction Lines.** Owing to the convergence of meridians in passing northward, it has been found necessary to establish secondary lines parallel with the base line. These are called correction lines, and there are four of them in Iowa. They are the northern and the southern boundaries

of the state and the northern boundaries of townships seventy-eight and eighty-eight north.

### QUESTIONS AND SUGGESTIONS

1. Give the location by township and range of the city in which you live, or of the farm on which you live. Locate in the same manner two other towns in your county.

2. Draw a map of your county indicating all the congressional townships.

3. Locate an eighty-acre farm on this map, and write the description which would appear in the deed if you were to sell it.

4. Make a diagram showing why correction lines are necessary.

5. Explain or show by diagram the exact way in which sections are numbered.

6. What is meant by (a) base line, (b) principal meridian?

7. What are the advantages of having sections laid out in the form of squares? Why are there jogs at certain corners in country roads? Are these jogs in north and south roads or in east and west roads? Why?

8. Draw a section and divide it into as many regular forty-acre tracts as possible, and write the description of each.

## CHAPTER III

### THE CIVIL TOWNSHIP

**Civil Township.** We have learned that the congressional township is merely a tract of land six miles square, and that it was created for the purpose of locating land. The civil township, on the other hand, is the unit or basis in local government. Every county is divided into several civil townships, and each township is named.

Township names were given by the early settlers, and often in honor of some prominent member of the first company of settlers that entered the township. Many counties in Iowa were settled about the time the Civil War began, and in those counties such names as Lincoln, Douglas, Liberty and Union are common. The boundaries of a civil township may be the same as those of a congressional township, but very often a civil township is formed from parts of two or more congressional townships. This often occurs when the congressional township is divided by a river. The early settlers established the civil townships to suit their own convenience, and in some counties but few of them have the same boundaries as the congressional townships.

To the people of Iowa, the civil township is a very important division. Comparatively few state and county officers are needed, but there is scarcely a county in the state that does not have at least 400 officers whose duties are confined to the civil township. A large part of all the money raised by taxation is expended in the township under the direction of its civil and school officers.

The civil township is nearly a pure democracy, that is, a government carried on by the people directly, rather than through their representatives. It is in the township that "a government of the people, by the people, and for the people" exists in its truest sense. It is here that the people meet at stated times to determine how their local government shall be carried on.

**Activities of Township Government.** The activities or functions of a township government in Iowa include:

1. Holding elections
2. Repairing highways
3. Listing property for taxation
4. Equalizing taxes
5. Relief of the poor
6. Caring for township property
7. Protection of public health
8. Protection of persons and property.

**Township Officers.** The officers of a civil township are:

- 3 trustees
- 1 clerk
- 1 assessor
- 2 justices of the peace
- 2 constables

These officers are elected by the people and serve two years. A fine of five dollars is imposed upon any one who, having been elected to a township office, refuses to serve, but no one can be compelled to serve two terms in succession.

**Township Elections.** The biennial election law provides that all general elections for state, district, county and township officers shall be held throughout the state on Tuesday after the first Monday in November of each even-



numbered year. The trustees decide upon the place of holding the township election, and the clerk gives public notice of the time and place. The election board, composed of the trustees, acting as judges, and two clerks, one of whom is the township clerk, conduct the election.

It is their duty to see that the election is fairly carried on, and, in doing so, they may challenge any voter for cause, and require him to prove that he is qualified to vote.

They make a list of all the voters in the township and register the names of those who cast a ballot. At the close of the balloting the election board count the votes and declare which township officers are elected, but they report the result of the vote in their township for county, state and other officers to the county supervisors.

*Contested Elections.* If the defeated candidate has good cause to believe that the election was unfairly conducted, he may contest the election and have the ballots recounted. For this reason, the township clerk is required to keep the ballots until the time for contesting the election has elapsed, after which he sends them to the county auditor.

**Trustees.** The township trustees have many important duties to perform. They decide upon the place of holding elections, equalize taxes, and have charge of all cemeteries not controlled by other trustees, or by religious societies. They constitute the board of health of the township, act as fence viewers, overseers of the poor, and judges of election. The three trustees are chosen at each general election for a term of two years.

The regular meetings of the trustees are held on the first Monday in February, April and November of each year. At the April meeting they estimate the amount of property tax to be used in improving highways and purchasing plows, scrapers, and material for building and repairing bridges. With the exception of listing property

for taxation they have charge of all the activities of the township government.

*Public Highways and Property.* The trustees have charge of all the public property in the township. They are custodians of buildings or lands belonging to the township, and have charge of cemeteries which are not under the supervision of some private society. There is a growing sentiment in favor of "community halls" where the people of the township may meet for social, educational, cultural, recreational and political purposes. Such halls would be a desirable extension of public activity and would do much to make rural life more attractive, not only to men and women, but to the thousands of boys and girls that are annually drawn to the cities because of their cravings for just such opportunities. In some states such community halls are part of the public property of the township, and there is no doubt that this movement will spread to Iowa. The public property, however, which at present demands most of the attention is the township roads.

According to the present plan, work on the township roads is under the authority of the trustees, but they appoint a road superintendent or contractor to direct it. All able-bodied male residents of the township, between the ages of 21 and 45, are required to perform two days' labor of eight hours each upon the highway annually. This may be paid in money if the resident prefers. In addition to this road poll tax, the township trustees are required to levy a road tax of not less than one nor more than four mills upon the taxable property of their township for the purpose of improving the highway, purchasing plows, scrapers, and material for repairing bridges. The Thirty-fourth General Assembly provided that an additional mill shall be levied for road-dragging purposes, and that the trustees shall

divide the township into permanent road-dragging districts, appoint a superintendent of roads, and cause all mail routes and mail-traveled roads to be dragged regularly. All three of these taxes are local, that is, they are borne by the people of the township. Some states have adopted a system of using state funds, known as "state aid," to assist the local units in constructing permanent roads.

*Importance of Good Roads.* Whatever the plan adopted by the state for maintaining and improving the highways, all citizens should lend their influence in favor of good roads. Progressive farmers have discovered that bad roads are a heavier tax upon them than any amount of money they spend in permanent road improvement. Bad roads are a tax upon every load of produce hauled to market, ten miles of good roads being covered in less time and with less effort than three or four miles of poor roads. Good roads make better business, better social life, better schools, bind rural neighborhoods more closely together, increase the value of farm lands and are a mark of rural progress.

*Relief of the Poor.* The trustees of each township are the overseers of the poor, and shall provide for the relief of such poor as should not, in their judgment, be sent to the county poor farm. The cost of providing for the poor is always borne by the county, whether they are cared for at the county poor farm or are supported directly with money, food or clothing in their homes. The poor are provided for at public expense only when their near relatives have not sufficient means to support them; and upon failure of relatives of sufficient wealth to provide support, the trustees may apply to the district court for an order to compel them to do so.

No persons who have served in the army or navy of the

United States, or their widows or families, requiring public relief, shall be sent to the poor house, when they can, and prefer, to be relieved to the extent provided by public charity. The state is especially charitable to the soldiers or sailors who have served in the army or navy during any war. Any such person, who dies without sufficient means to defray burial expenses, shall be buried at public expense, and shall not be buried in that part of a cemetery that is used exclusively for the burial of paupers. Any person receiving public charity must first gain a "settlement," that is, he must have lived in the county a year. A person who has not gained a settlement is provided for temporarily until an order is obtained from the district court to return him to the county or state from which he came.

*Protection of Public Health.* If a township is to be a safe place in which to live, there must be provisions made for the protection of (a) health, (b) life, (c) property. Health is protected by proper attention to sanitation and to the prevention and spread of contagious diseases. The trustees act as the board of health for the township, and as such they may pass regulations concerning nuisances which are injurious to the health, and may compel the removal of filth, rubbish or other insanitary accumulations which breed disease germs or otherwise impair the health. They may check the spread of contagious diseases by requiring persons to be vaccinated and by enforcing quarantine regulations. A great deal has been accomplished by boards of health, but public health can be best promoted by the intelligent help of private citizens. Sanitation in rural districts is largely a household matter. Much can be done in the homes in the disposal of garbage, the ventilation of rooms, and in cleaning and disinfecting all germ-breeding places. Thousands of human lives have been saved by

careful attention to sanitation. Every citizen ought to cooperate loyally with the board of health and with every other agency in the fight against disease.

*Protection of Persons and Property.* Each township elects two justices of the peace and may elect two constables to preserve the peace, and protect the rights of person and property within its boundaries. Justices of the peace may try those accused of minor offenses, and civil cases in which the amount involved does not exceed \$100. The constables are the messengers of the justice of the peace, and may be called upon to serve warrants issued by him and to summon witnesses. Court proceedings are described in Part II, Chapter V, *Judicial Department*.

**Clerk.** The township clerk is secretary of the board of trustees, and it is his duty to keep an accurate record of the business done at all meetings of the board of trustees. He acts as one of the clerks of election, has charge of the property of the township and receives the resignation of township officers. He is empowered to administer the oath of office to township officers. As clerk of election, it is his duty to preserve all the ballots cast at any election, together with the tally list, until the time for contesting the election of any officer voted for has passed.

**Election Boards.** Election boards are composed of three judges and two clerks, and the law provides that a division of the members shall be so made that at least two political parties shall be represented on the board.

**Assessor.** The township assessor is required to make a list of all the property of the township, both personal and real, and to assess its value for the purpose of taxation. The assessor's duties are fully explained in Chapter VI, *Taxation*.

**Duties of Officers.** Most of the duties of the township officers have been discussed as they actually occur in the

activities of the civil township government. A summary of their principal duties is given below for the convenience of the student.

*Trustees:*

1. Levy taxes for township purposes and equalize valuations.
2. Act as judges of, and determine place of holding elections.
3. Care for township roads, and other public property.
4. Supervise construction of fences, and assess damages in case of trespass by animals.
5. Appoint superintendent of roads, and superintendent of dragging, and fill vacancies in township offices.
6. Act as board of health.
7. Certify to county auditor list of persons eligible for jury service.

*Clerk:*

1. Attends meetings of trustees and keeps a record of their proceedings as boards of trustees, health, election, etc.
2. Makes a list of men who are to pay or work a road poll tax.
3. Is one of the clerks of election.
4. Acts as treasurer for the township.
5. Administers the oath of office to township officers.

*Assessor:*

1. Estimates the value of all taxable property in the township.
2. Makes list of men between the ages of 18 and 45 who are subject to military duty.
3. Takes the census, that is, makes a list of all the inhabitants of the township in years ending in five.
4. Makes list of voters, and gives copy of same to the clerk.

*Constable:*

1. Keeps the peace and quells disturbances.
2. Acts as executive officer of justice of the peace courts.
3. Makes arrests as police officers in any part of the county.
4. Serves warrants, notices and all other legal papers if ordered by trustees, clerk, justices of the peace or county court.

*Justices of the Peace:*

1. May perform marriage ceremonies.
2. Hold court for minor civil and criminal cases.
3. Hold preliminary trials in more serious cases, and bind accused persons over to await the action of the grand jury.
4. May acknowledge deeds and mortgages.
5. May hold inquests over bodies of persons who are supposed to have met death by unlawful means.

## QUESTIONS AND SUGGESTIONS

1. Name the civil townships in your county.
2. Explain the difference between the congressional and the civil township.
3. What questions do you think an assessor asks when performing his duties? How are people required to assist the assessor?
4. Is the civil township a good example of a pure democracy?
5. What is the purpose of "reviewing values"? Explain just what you would do if you thought your property to be assessed too high.



6. What is meant by general election? When is it held? Who specify the voting places in townships? Trace each step showing just how a township election is conducted.

7. What provisions are made for public charity in the township? What classes of people are especially provided for? Why?

8. In what ways is public health safeguarded? How may citizens cooperate in the interests of health?

9. What might be done by the trustees to make a township a more attractive place in which to live?

10. What can be done by rural clubs of various kinds to improve rural social conditions?

11. Of what value are boys' and girls' clubs? What training would come from organizing such clubs and adopting constitutions for their government?

12. Are there good roads in your township? What can be done to improve them?

13. What are the advantages of living in the country? What are the disadvantages? May these be overcome?

14. Secure as much information as possible concerning the "Country Life Movement," and discuss it in class or write an essay on the subject for your composition class.

15. In what phases of rural life is there need for more cooperation? In what phases has voluntary cooperation already brought improvement?

16. What changes in rural life have been brought about by each of the following: telephones, free mail delivery, machinery, steam and electric railroads? Have they increased the intelligence of the farmer? Have they brought him into closer contact with other people and made him more like them?

17. To what extent is the city dependent upon the country? Why are so many city boys studying scientific agriculture in colleges?

18. Make out an outline in your note book similar to the one below, but on a larger scale, and fill all the blanks.

### OUTLINE FOR REVIEW OF CIVIL TOWNSHIP

Town of....., 19....

OFFICERS	PRESENT INCUMBENT	HOW CHOSEN	WHEN CHOSEN	DUTIES
Trustees				
Clerk				
Assessor				
Justices of Peace				
Constables				
Road Super- intendent				

## CHAPTER IV

### CITIES AND INCORPORATED TOWNS

**Municipalities.** We have seen that the civil township has but few powers, and that its activities are simple. This is because the needs of a rural community are few. However, when a large number of people have settled on a small area, as in Des Moines and Davenport, or in New York, Chicago and Boston, they need many things that a rural community never requires. Chief among these needs are an abundant supply of pure water, a sewage system, a system of street lighting, fire protection, regulation of traffic on the main-traveled streets, health regulations not necessary in the country, public parks and playgrounds and police protection.

Moreover, the problem of caring for a large number of people residing in cities is much more difficult than that of caring for a rural community; it is therefore necessary that cities and large towns have a government possessing greater power than that of the township. In order to supply this need the General Assembly of Iowa has enacted laws under which these large communities may organize and adopt a government suited to their needs. Such organized communities are generally known as municipalities.

*Incorporation of Municipalities.* Whenever a community not already within the limits of a municipality desires to adopt a city form of government it must become incorporated, which is done in the following manner:

The community desiring to be incorporated must present a petition to the district court signed by not less than 25 voters residing within the limits of the community. The judge of this court then appoints five commissioners who arrange for and give notice of an election which they conduct within the limits of the proposed city or town. If a majority of the qualified voters favor incorporation the court directs the same commissioners to hold another election for choosing a council, a mayor, a clerk and a treasurer.

**Classification of Cities.** In Iowa there are three classes of municipalities.

Cities of the first class contain at least 15,000 inhabitants, and those of the second class, from 2,000 to 15,000 inhabitants. Municipal governments of less than 2,000 inhabitants are called incorporated towns.

Each city or town contains as much territory as the inhabitants think necessary, and additions are frequently made to the original plats. This territory is separated into blocks which are divided into lots for convenience of ownership. For governmental purposes, cities are divided into wards, and each ward chooses its own members of the city council.

**Officers.** Officers in municipalities secure their office in one of three ways: (1) by general election of the people; (2) appointment by the mayor; (3) appointment by the council or by the Board of Public Welfare. In incorporated towns a mayor, a treasurer, an assessor and five councilmen at large are chosen by the first method. A marshal and street commissioner are appointed by the mayor, and a clerk is appointed by the council.

In cities of the second class a mayor, a treasurer, an assessor, one councilman from each ward and two elected at large are chosen at a general election. A health physician, a marshal, a street commissioner and, if directed to do

so by the council, policemen and other officers, are appointed by the mayor. A clerk in all cities of the second class and a solicitor in those of 4,000 or less population are appointed by the council.

In cities of the first class a mayor, solicitor, auditor, treasurer, city engineer, assessor, police judge, if there is no police court, and one councilman from each ward and two elected at large are chosen by the first method. The mayor appoints a health physician, a street commissioner, policemen and a marshal who acts as chief of police. In cities of 20,000 or more people, having a board of police and fire commission, policemen are appointed as provided in the act creating the board, and in cities having a board of public works, such board appoints the street commissioner and may appoint, or direct the mayor to appoint, such other officers as may be necessary.

*Elections and Term of Office.* Elections in towns and in cities of both the first and second class are held on the last Monday in March in the odd-numbered years, and all city officers except the assessor begin the discharge of their duties on the first Monday in April. The term of assessor begins on the first day of January following his election. The term of office of elective officers is two years. Officers appointed by the council at the April meeting following the biennial election, serve for two years, and officers appointed by the mayor are responsible to him and serve during his pleasure.

*Mayor.* The mayor is the presiding officer of the council *ex-officio*, but he is not a member of that body. He presides at the meetings of the council, holds court for the trial of offenders against the ordinances of the city, and sees that all orders of the council are properly enforced. He has the same general powers as a justice of the peace.

*Council.* The city council has power to adopt ordinances

for the government of the city. The general law of the state confers on city councils the right to legislate in a prescribed manner, and all such acts, properly adopted, have the same force and effect as laws passed by the General Assembly. The ordinances passed by any city council apply only to that city. The city council acts as a board of review of the assessment of property, in the same manner as does the board of trustees in the civil township.

To the city council belongs the power to appoint members of the police force and night watch. It may also provide for a fire department and make regulations for governing the same. The council also acts as the board of health.

*Marshal.* The duties of the marshal correspond to those of constable. He attends the courts of the mayor and police judge, and is, in fact, next to the mayor, the chief executive officer of the city. Many important duties devolve upon this officer in preserving the peace and maintaining order. He may appoint deputies to aid him in the discharge of his duties, but he is responsible for their acts.

*Treasurer.* The treasurer receives all money belonging to the city, and pays it out as ordered by the city council, by whom his bond is fixed.

*Auditor.* The auditor has charge of the financial affairs of the city, and issues all warrants upon the treasury when ordered to do so by the council. His duties are numerous and important.

*Attorney.* The city solicitor, or attorney, is a lawyer, elected to represent the city in all matters of a legal nature. He is required to furnish an opinion on any matter of law relating to the government of the city, when requested to do so by any officer. His relations to the officers of the city are the same as those of the attorney-general to state officers, or of the county attorney to officers of the county.

*Police Court.* The police judge has jurisdiction of all offenses against any ordinance of the city in which he serves. In criminal matters, his powers are coordinate with those of justice of the peace, and he is entitled to the same fees as that officer. He may also take acknowledgments of signatures to deeds, mortgages and other papers. His court, which is open at all times for the transaction of business, is a court of record. The clerk of this court is chosen by the qualified electors of the city or appointed by the police judge, as the council may direct. In case of vacancy in the office of police judge, the duties of that officer devolve upon the mayor. For the prosecution of any person for violating an ordinance of the city, the police judge, or mayor, is entitled to such compensation as the city council may allow.

*Superintendent of the Market.* The superintendent of the market acts as overseer of all places provided by the city for the sale of fresh meats, vegetables, and other articles of a perishable nature usually offered for sale in a public market.

*Civil Engineer.* The civil engineer performs such duties belonging to his profession as may be required by the city council.

*Compensation.* The compensation of city officers is fixed by ordinances of the city council, or by fees as prescribed by law. Each member of the council receives as full compensation for his services an amount fixed by the council not to exceed \$250 a year.

**Commission Form.** Cities having more than 2,000 inhabitants may now be governed by a commission of either three or five members, the number of members depending upon the population. As this plan of government for cities is a very important one, it should be studied in detail by reference to the code of Iowa and the session laws of

1909. Cities having a population of not less than 7,000 nor more than 25,000 are governed by a mayor and two councilmen and cities with a population of 25,000 or more have a mayor and four councilmen. All elections of these officers are non-partisan. The term of office is two years in all commission cities.

Under this plan of government it is believed that responsibility can be more definitely centered. All the affairs of the city are divided into five departments—Public Affairs, Accounts and Finance, Public Safety, Street and Public Improvements, Parks and Public Property. The mayor is specifically responsible for the first department, and each of the other departments is in charge of one of the councilmen who is definitely accountable for any misgovernment in that department. In commission cities having only two councilmen, each has charge of two of the departments. The efficiency of each department depends to a great extent upon qualifications of the subordinate officers such as chief of police, city clerk, city engineer, city treasurer, etc., and it is argued that experts for these positions can be more carefully selected by a commission than by the people generally. Unlike councilmen in the ordinary form of city government, the commissioners are expected to devote their entire time to their duties and are paid salaries sufficiently large to attract men who are qualified to administer the affairs of the city as experts.

In order to adopt this form of government a petition must be presented to the mayor, who is then required to call an election for the purpose of voting upon the proposition. A number of the leading cities of the state have adopted the commission form of government.

**The City Manager Plan.** The city manager plan of government, like the commission plan, came in response to a demand of the people for more efficient city government.



Cities all over the country were being misgoverned and the affairs were often administered by dishonest and corrupt politicians. The mayor and councilmen of many large cities filled the thousands of city offices and minor positions with incompetent men simply because these men had voted for the mayor and councilmen, or were able to induce others to do so. The city with its many employees is really a great business enterprise, and when this business is carried on by incompetent workers it results in a waste of public money. For this reason, the people in some of our cities have come to the conclusion that city government ought to be conducted in the same manner as a private business organization.

In carrying out this plan the people elect a board of directors whose principal duty is to select a highly competent business manager to handle all the affairs of the city. He hires all his assistants just as he would in his own private business, plans all city improvements, and contracts to have them carried out in the most economical manner. He is given full power to conduct the affairs of the city in a clean, honest and efficient manner. If he fails, he is held personally responsible. It is not possible for him to shift responsibility to any one else, a practice common in a corrupt political "ring," and, for that reason, he will make every possible effort to give the city a successful administration. Wherever this plan has been adopted it has proved very satisfactory. The Thirty-sixth General Assembly (1915) passed an act which will enable other cities throughout the state to adopt this plan of government.

**Special Charter Plan.** Many of the older cities of the state were organized before the present law for the incorporation of cities and towns was enacted. The government of these cities differs somewhat from that of cities authorized by the general law of the state. Such cities are said to be

governed by special charter. Many laws for the government of other cities have been made to apply to cities organized under special charter. Cedar Rapids, Dubuque, Glenwood, Keokuk and Winterset have special charters.

### QUESTIONS AND SUGGESTIONS

1. How may a village become an incorporated town?
2. What officers have power to provide for lighting, cleaning and paving streets?
3. If you were a member of a city council which of the following licenses would you vote to grant: saloon, circus, auctioneer, billiard hall, street fair, peddler, fortune teller? Why?
4. Name some ways in which a council provides for the morals, health, safety, convenience, beauty and prosperity of a community.
5. What are the advantages and disadvantages of the commission form of government?
6. Distinguish between special charter cities and other cities. Name the former.
7. What are the duties of the mayor? What qualifications would you look for in a man for this office if you were to vote for him?
8. Do you think a commercial club is an advantage to a community? Why?
9. What advantage is a civic improvement league to a community?
10. In what ways may every citizen help to improve the community in which he lives?
11. Question suggested for class debate: Resolved,

that all Iowa towns having between 2,000 and 20,000 inhabitants should adopt the city manager plan of government.

12. Make an outline in your note book similar to the one below, adapting it to a second class city or incorporated town.

## TOWN AND CITY

OFFICERS	PRESENT INCUMBENT	HOW ELECTED	WHEN ELECTED	DUTIES
Mayor				
Council				
Marshal				
Assessor				
Treasurer				
Auditor				
Solicitor				
City Engi- neer				
Police Judge				
Supt. of Market				
Bd. of Pub- lic Works				
Judge of Superior Court				
Health Physician				

## CHAPTER V

### THE COUNTY

**Why Necessary.** We have learned that the township possesses but few powers and that the government of cities is confined by law to the exercise of those functions pertaining strictly to their own affairs. Between these local units of government and the great unit called the state, another unit, intermediate in its size and functions, is required to provide for the supervision of interests which are common to larger communities and which can be managed more economically by the combination of several adjoining towns into a body corporate. The county is such a body corporate, and it is a very important unit of government.

All laws for the government of counties are enacted by the General Assembly, and must be uniform throughout the state. These laws specify the number of county officers and the duties of each and in some instances fix their salary.

*Suggestion.* It is recommended that a careful study of county government be made by all pupils as a preparation for a clear understanding of state and national government. It is also suggested that pupils be required to examine and discuss the published proceedings of the board of supervisors as they appear in the county papers after each regular session of the board. In this way an interest in public affairs will be aroused, and the study of civil government be made more practical.

**Number and Boundaries.** Iowa, with an area of 56,025 square miles, is separated into 99 counties. When the state was admitted into the Union in 1846, there were only 27 organized counties, but before many years had elapsed, the entire area of the state was included in the counties as they now exist. In most counties the boundaries conform to the range and township lines, as established by government survey. Owing to the irregular course of the rivers, the counties along the eastern and western boundaries of the state vary from the prevailing rectangular form.

**County Names.** The study of county names is full of interest. Eleven of the counties, Washington, Adams, Jefferson, Madison, Monroe, Jackson, Van Buren, Harrison, Polk, Taylor and Buchanan, were named for presidents, and Johnson county for Richard M. Johnson, vice-president of the United States with Van Buren. Audubon, Benton, Calhoun, Carroll, Clay, Clinton, Decatur, Fremont, Humboldt, Jasper, Kossuth, Marion, Marshall, Scott, Story, Warren, Wayne and Webster commemorate names that are historic. Several county names were conferred in honor of noted Indians or Indian tribes. Among these are, Allamakee, for Allan Makee, a noted Indian trader; Black Hawk, Cherokee, Chickasaw, Iowa, Mahaska, Pocahontas, Pottawattamie, Poweshiek, Sac, Sioux, Tama, Winnebago and Winneshiek for the most celebrated Indians. Cerro Gordo, Buena Vista and Palo Alto were named to commemorate three famous battles of the Mexican War. The origin of all the other county names may be easily found by a little research on the part of pupils, and many valuable lessons in biography may be based upon these names.

**County Seat.** In each county, the people have selected a place at which the principal business of the county is transacted. This place is known as the county seat, and it

is generally near the center of the county. The offices of the county are usually kept at this place in a building called the courthouse.

**Officers.** The officers of a county are a board of supervisors, an auditor, treasurer, clerk of the district court, sheriff, recorder, superintendent of schools, coroner, engineer and attorney. The auditor, treasurer, clerk and sheriff are each allowed a deputy in most counties.

*Election.* County officers, except the engineer and superintendent of schools, are chosen by the qualified voters of the county at the general election on the first Tuesday after the first Monday of November of each even-numbered year, for a term of two years, except that the term of the supervisors is three years. The engineer is appointed by the board of supervisors. The superintendent is chosen on the first Tuesday in April every third year, beginning 1915, by a county board consisting of the president of each school township, consolidated independent, and city independent school district together with a representative from each township composed in whole or in part of rural independent districts, chosen by the presidents of such districts. He assumes the duties of his office on the first secular day in September following his election. His duties are explained in Chapter VII, *Education*.

**Board of Supervisors.** The Board of Supervisors consists of three, five, or seven members, as the people of each county determine. Their term of office is three years, and one-third of the number, as nearly as may be, are chosen at each general election. The only qualification required of members of this board is that they must be qualified voters of the county in which they are chosen, and no two members can be elected from the same township.

Supervisors may be chosen from the county at large,

or the county may be separated into supervisor districts by the board, each district choosing one supervisor. The board cannot redistrict the county oftener than once in two years.

*Meetings.* Regular meetings of the board are held on the second secular day of January, and the first Monday in April, June, September and November of each year. At the first meeting in each year, one of the members is chosen chairman, and it is his duty to preside at all the meetings of the board during that year.

*Powers and Duties.* The board of supervisors manage the affairs of the county. Within the limits fixed by the General Assembly, they may make rules and regulations for conducting the business of the county, and see that these rules are enforced. They may make appropriations for county purposes, and must see that the money is properly spent. They also have general supervision over all other county officers, and they must require these officers to make reports to them which must be given under oath, and to give bonds for the faithful performance of their duties. In case of the failure of any county officer to make reports as required by law, the board of supervisors may remove such officer by a majority vote and fill the vacancy thus created until the next election. The boards of supervisors have power to change the boundaries of townships and to organize and name new townships. They also have power to organize and maintain drainage districts, and to purchase sites for county fairs.

Among their other important duties are the following:

To examine all bills against the county and approve the same if found correct.

To order the payment of all just claims, unless some other method of payment is provided by law.

To care for the poor, including the management of the county poor farm.

To look after all property belonging to the county, with special attention to the courthouse and jail.

To determine the amount of taxes necessary and fix the levy.

To provide for the construction of bridges which cannot be constructed by road districts for lack of funds.

To act as commissioners of highways.

To have general control of the permanent school fund apportioned to the county.

To locate polling places.

*Penalty.* If any supervisor neglects or refuses to perform any of the duties devolving upon him as a member of the board, without just cause, he is liable to a fine of \$100 for each offense.

*Compensation.* The members of the board of supervisors receive four dollars per day for each day actually spent in session, and in committee service, and mileage at the rate of five cents per mile in going to and returning from each session and each place for performing committee service. In counties having a population of 10,000 or less, they cannot receive compensation for more than thirty days' session service in a year. This time is increased with the increase in population, until, in counties having a population exceeding 90,000 one hundred days may be spent in session service.

**County Auditor.** The county auditor is clerk of the board of supervisors, and it is his duty to record the proceedings of that body and preserve them in permanent form in books provided for that purpose. He signs all orders issued by the board for the payment of money from the county treasury, and serves as general accountant for the county. Before each election, the auditor prepares and furnishes two poll books for each voting precinct in the county. Immediately after election, one of these books is forwarded to him from each voting precinct with the num-



ber of votes each candidate received for every office to be filled at that election. From the poll books thus made out, he makes an abstract of all the votes cast in the county for each candidate, and forwards it to the secretary of state.

He is custodian of the courthouse and county property. He computes the amount of tax to be paid by each taxpayer, and gives the list to the treasurer for collection. It is his duty also to publish all proceedings of the board of supervisors. His duties as bookkeeper for the county, enumerated by the code of Iowa, are many and diversified. In addition to these duties, the loaning and general management of the permanent school fund apportioned to the county, as well as a division of the county school fund, is left to the county auditor.

*Bond.* The bond of the county auditor is fixed by the board of supervisors, and it cannot be less than \$5,000. It is usual in most counties for the bond to be fixed at \$10,000. The loaning and general management of the permanent school fund apportioned to the county, as well as the division of the county school fund and interest on the permanent school fund, is left to the county auditor by the board of supervisors.

*Salary.* In counties having less than 15,000 population, the salary of the county auditor is \$1,400 a year; in counties having a greater population than 15,000 the salary is increased according to population so that in counties having more than 100,000 population, the salary is \$3,300 a year.

**County Treasurer.** The county treasurer receives all money belonging to the county and pays it out upon the order of the board of supervisors. Warrants, or orders, for the payment of money by the county treasurer are drawn and signed by the county auditor and sealed with the county seal. The treasurer keeps a record of all moneys received and warrants paid, and holds the same, at all

times, subject to the inspection of the board of supervisors. He keeps a separate account of the taxes levied in the county for state, county, school, highway and other purposes. His duties in relation to taxes are described in Chapter VI, *Taxation*.

The county treasurer is heavily bonded. His compensation consists of a percentage of the money collected. In counties whose population does not exceed 10,000 it cannot be more than \$1,300. In other counties where the commission exceeds \$1,500, the excess must be paid into the county treasury; but in counties having a population of 25,000 or more, the board of supervisors may allow such additional compensation as they deem proper.

**County Clerk, or Clerk of the District Court.** The county clerk is the clerk of the district court, and it is his duty to attend all sessions of this court and to keep its records, papers and official seal. He keeps a book, known as the record book, in which are recorded the proceedings of the court; a judgment docket, in which to keep an abstract of all judgments rendered by the court with all the explanations necessary; a fee book, in which to enter in detail the costs and fees in each law suit; an incumbrance book, in which the sheriff records a statement of each attachment of real estate; an appearance docket, in which all suits are entered in the order in which they are begun; and a book in which is kept a record of all liens filed in the district court.

*Report.* On or before the first Monday in November of each year, he is required to make a full report of all criminal trials held by the district court for the preceding year. This report shows the character of the offense, the nature and amount of the penalty inflicted, the nationality, occupation and general habits of the person convicted, whether he can

read and write, and also the entire expense to the county for criminal prosecutions during the year.

*Duties.* It is the duty of this officer to issue marriage licenses when application is properly made. He keeps a register which contains the names and ages of the parties, the date of the marriage and the name and official standing of the party by whom it was solemnized. He also keeps a record of the births and deaths; and is, by virtue of his office, a member of the insane commission. He also appoints executors, administrators, guardians and appraisers of the property of persons deceased, and approves the bonds which they are required by law to file with him as security for the faithful discharge of their duties. In fact, this officer now has the settlement of all matters of probate, subject to the direction and approval of the judge of the district court.

The clerk may appoint a deputy to aid him in transacting the business of his office, but neither of these officers can, during the time of his official incumbence, hold the office of justice of the peace, or act as attorney or solicitor in any case in court.

*Bond.* His bond cannot be less than \$5,000, and his compensation varies according to the population of the county in which he serves.

*Salary.* The salary of the county clerk is determined by the population of the county. In counties having less than 10,000 inhabitants it is \$1,100. From this minimum it is increased with the increase in population until in counties having over 65,000 inhabitants it is \$3,300.

*Fees.* A full and complete account of all fees received must be reported to the board of supervisors at each regular session. The fees, in excess of the salary, must be paid into the county treasury, but the board of supervisors may

allow an amount, not to exceed \$300, as additional compensation for performing the work connected with matters of probate.

**County Recorder.** The county recorder is provided with an office in the courthouse, and it is his duty to copy accurately all deeds, mortgages and other papers delivered to him for record, in the manner prescribed by law. He keeps separate books for deeds, mortgages of real estate, chattel mortgages and other papers, and he is required to write on each paper delivered to him for record, the exact time it was received. The records of his office show the names of those persons who received the original deeds of land from the government, and also all transfers and changes in ownership from the original entry down to the present time.

*Abstract Books.* Deeds, mortgages, and other valuable papers are often lost or destroyed by accident, but if they have been properly recorded, an exact copy of the record can be made from the books of the recorder at slight cost. Books containing a complete record of all transfers of real estate from the government patent to date are known as abstract books. From these books a complete record of all transfers of title of any piece of real estate may be obtained at slight expense. This record is called an abstract of title or simply an abstract, and should always be obtained by one purchasing the property. It requires great care to prepare these books and keep them up to date. A complete set of abstract books for a large county is worth several thousand dollars.

*Compensation.* The fees of the county recorder are fixed by law. He charges fifty cents for recording each paper of not more than 400 words, and ten cents extra for every 100 additional words, or fraction thereof. The fee for recording a deed to real estate, if made in the usual form,

is seventy-five cents, but twenty-five cents of this is paid to the county auditor for entering the land for taxation in the name of the purchaser. The amount of the bond of this officer is fixed by the board of supervisors. In counties having less than 15,000 inhabitants, the salary is \$1,200 a year, and increases according to the population of the counties to a maximum of \$2,000.

**Sheriff.** The sheriff is one of the most important officers of the county. His duties are many and he is required to appoint, in writing, one or more deputies, for whose official acts he is responsible and from each of whom he requires an official bond for the faithful performance of his duties.

*Duties.* The sheriff has charge of the county jail and of all persons committed to it. He or his deputies serve notices issued by the district court. He is required to attend the district court to serve all notices upon persons who are summoned to appear before the court, to execute all judgments of the court, and to execute and return all writs issued by the court. The sheriff and his deputies are responsible for the maintenance of peace and good order within the county. It is their duty to arrest criminals and they may arrest persons suspected of crime. But in no case does their authority extend beyond the boundaries of their own county. When necessary the sheriff or a deputy may call upon citizens to assist in making an arrest or quelling a disturbance, and the law requires that they render the assistance.

It is the duty of the sheriff to give at least ten days' notice of each general election by a proclamation published in some newspaper printed in the county, or by posting notices of it in at least five public places in the county. The same rule applies to all special elections ordered by the governor.

*Salary.* The Twenty-ninth General Assembly changed the compensation of sheriffs from fees to an annual salary, which varies according to the population of the counties. In counties having a population of over 45,000, the salary is \$3,500 a year. Where the population is more than 28,000 and less than 45,000, the compensation is \$3,000. If the population of the county is more than 11,000 and less than 28,000, the salary is \$2,000 a year. In all counties the sheriff is allowed actual expenses incurred in the discharge of his official duties, and mileage. It is intended that the fees of the office shall be used in the payment of the salary of sheriff and his deputies, but in case the fees collected do not amount to the salary fixed by law, the balance is paid out of the county treasury, and fees in excess of the salary allowed are paid into the treasury for the benefit of the county. All fees of the office earned and uncollected at the end of the year belong to the county.

**County Attorney.** The county attorney acts as the legal adviser of the officers of the county in which he is chosen, and it is also his duty to appear for the state in the prosecution of criminals, and to represent the county in the supreme court when the county is a party to a suit in that court. A deputy may be appointed by this officer. The county attorney may prosecute upon his own sworn information any person charged with a criminal offense for which the fine exceeds \$100 or thirty days' imprisonment. In addition to his duties of giving legal information to county officers, he is also the legal adviser of township officials, and in counties of less than 25,000 people, he represents the township trustees when the interests of the county do not conflict with those of the township.

*Bond. Salary.* The bond required of this office, to be filed with the county auditor, is not less than \$5,000. The salary, which is fixed by the board of supervisors, ranges

from \$900 to \$1,750, according to the population of the county. Fees and mileage also are provided for in certain cases. The term of office is two years, commencing on the first Monday in January of each odd-numbered year.

**County Engineer.** The office of county engineer is the most recently created county office. The engineer assumes the duties that were formerly performed by the county surveyor, and in addition to these he is required to superintend the construction of highways, bridges and culverts in carrying out the provisions of the new road law. Much of his work is done under the direction of the state highway commission. The office of county surveyor was abolished, as such, because much of the work of surveying land, establishing boundaries, making plats, etc., which is important when a country is first being settled, is now greatly reduced in Iowa. On the other hand, as a country becomes more thickly settled the need for good roads, permanent bridges and proper grades becomes of increasing importance. The legislature felt that this work could be more intelligently carried on by an expert civil engineer cooperating with a state highway commission of road construction experts, than by the old method when the county road work was unscientifically done, poorly organized, and sometimes dishonestly carried on.

**Coroner.** It is the duty of this officer to perform all the duties of the sheriff, when there is no sheriff, or when that officer is an interested party in any proceedings in any court of record. He also acts as sheriff when an affidavit is filed with the clerk of the court that the sheriff and his deputies are absent from the county, and are not expected to return in time to perform the service required. He is obliged to give bonds to the amount required by the board of supervisors.

*Inquest.* It is also his duty to hold an inquest upon the



dead bodies of those persons who are supposed to have died by unlawful means. Upon receiving notice that such a body has been found in his county, he issues a warrant to any constable of the county, directing him to summon immediately three electors to serve as a jury in determining when, how and by what means the deceased came to his death. The coroner may summon witnesses, and both jurors and witnesses are sworn to the faithful performance of the duties devolving upon them.

The testimony given at the inquest is reduced to writing and signed by the witnesses. The jurors, having viewed the body, heard the testimony and made all needful inquiries, return to the coroner in writing the result of their investigations.

If it be found at the inquest that a crime has been committed on the deceased, and the evidence be sufficient to authorize the jury in naming the guilty person, the coroner proceeds to secure his arrest, if possible, before the proceedings are made public. The body of the deceased is delivered to his friends by the coroner, but where there are no friends and no property, the expenses of the inquest and burial are paid out of the county treasury.

*Fees.* The fees of the coroner are as follows:

For holding an inquest and making the return, five dollars.

For viewing a body without holding an inquest, three dollars.

For issuing each subpcena, warrant or order for a jury, twenty-five cents.

For each mile traveled in going to and returning from holding an inquest, five cents.

For acting as sheriff he receives the usual fees of that officer.



**Notary Public.** A notary public is not properly a county officer, although his powers are limited to the county in which he resides, and to adjoining counties in which he has filed his certificate of appointment.

*Appointment.* Any person wishing to become a notary public may make application to the governor for an appointment as such. If the application is satisfactory, the person receives a commission authorizing him to serve as notary public. The term of this officer is three years, but for convenience, all commissions expire on the fourth day of July of every third year.

*Seal.* Each notary public, or notary, as he is commonly called, has an official seal, upon which is engraved the words, "Notarial Seal," and "Iowa," with the initials of his given name and his surname in full. The cost of a commission is five dollars; and that of a notarial seal, three dollars. Each notary is required to give a bond in the sum of \$500, which he files with the clerk of the district court, as a surety that he will faithfully perform the duties of his office. The governor may revoke the commission of a notary at any time.

*Powers.* A notary public may administer oaths, take the acknowledgment of signatures to deeds, mortgages, wills and other legal documents, and perform certain other duties of like character. He must stamp with his official seal all papers of which he takes acknowledgments. He also certifies concerning the signatures in the following manner:

STATE OF IOWA. }  
BUCHANAN Co. } ss.

Be it remembered that on the ..... day of .....  
A. D. ...., before the undersigned, a notary public  
in and for said county, personally appeared A .....

B ..... and C ..... D ....., to me personally known to be the identical persons whose names are affixed to the foregoing instrument as grantors, and who acknowledge the same to be their voluntary act and deed. Witness my hand and notarial seal the day and year above written.

E ..... F .....

Notary Public in and for said county.

**Bonds, Salaries and Fees.** A bond is a written promise under seal made by a responsible person by which he agrees to pay any loss up to the amount of the bond resulting from the unfaithfulness of the official for whom the bond is given.

All county officers as well as their deputies except supervisors are required to give bonds for the faithful performance of their duties. The amount of the bond varies with the office and size of the county from \$5,000 to many times that amount for treasurers in counties in which vast sums of money are handled. Supervisors fix and approve the bond, but are not permitted to make it less than the minimum required by law.

The salaries of county officers also vary in amount according to the nature of the office and the size of the county. The Thirty-sixth General Assembly in 1915 unified and systematized the salaries of county officers throughout the state, the salary in small counties averaging approximately \$1,400 and in larger ones about \$2,000 per year. The auditor, treasurer and sheriff usually receive the highest, while the clerk and attorney receive the least. The supervisors do not receive a definite salary, but are paid four dollars per day for time actually spent in attending meetings, and a like amount when not in session, but employed in committee work. They are allowed five cents per mile

for each mile traveled in going to and from the sessions and when performing committee work.

The corner is paid by means of fees, as already explained, page . . . . . It is intended that a part, at least, of the county offices should be self-supporting; for this reason people who receive specific benefits from these offices are required to pay a fee for the benefits conferred. Examples of this are the fees charged by the recorder. See page 40.

### QUESTIONS AND SUGGESTIONS

1. Draw an outline map of your county, and mark on it the civil townships, towns and county seat.

2. Name the county in Iowa having the smallest population and the largest. Give the population in each case. This can be found in the *Iowa Official Register* or in any good atlas.

3. Name the supervisors in your county. Are they elected at large, or does each represent a particular district? Which is the better method? Which places more emphasis on local self government? By which method does the supervisor tend to represent the interests of the entire county?

4. Suppose you wish to buy a farm, what officer would you consult to make sure that the seller held a clear title to the farm? Suppose you buy the farm, what document will you receive? What will you do with it? What fees will it be necessary to pay?

5. What is being done to improve the roads in your county? Of what advantage are good roads to you? Name five advantages of good roads to people in general. Should the state help support county roads from state funds?

6. What provision does the county make for poor people

who are too old to work? Name all the ways in which a county provides for unfortunate people.

7. Secure copies of deeds, mortgages, tax receipts, warrants, legal notices and as many other documents as you can from various county officials. A great deal of practical information can be gained in class in this manner.

8. It is suggested that the class organize as the Board of Supervisors and carry out the usual duties of that body.

9. Suggested question for class debate: Resolved, that State aid should be given for the purpose of making permanent roads.

10. Make out a table in your note book similar to the one below, but on a larger scale, and fill all blanks.

## COUNTY GOVERNMENT

OFFICERS	PRESENT INCUMBENT	HOW CHOSEN	WHEN CHOSEN	TERM	DUTIES
Supervisors					
Auditor					
Treasurer					
Clerk of Court					
Sheriff					
Recorder					
Supt. of Schools					
Engineer					
Coroner					
County Attorney					
Notaries Public					

## CHAPTER VI

### TAXATION

**The Purpose of Taxation.** We have learned in the preceding chapters that local government, in its various forms, is engaged in many activities for public welfare—such as the construction and repair of highways, building bridges, maintaining public buildings, dispensing justice, protecting society and maintaining schools. We have learned that those engaged in public work receive compensation for their skill and labor, and that other expenses are daily incurred. The question naturally arises, where is the money for paying all these expenses obtained? To this question there is but one answer. It is obtained from the people. The people receive the benefit of these activities, and it is just and right that they should pay the expenses incurred.

For this reason all governments make provision in their organic law for securing from the people the revenue necessary to meet the government's expenses. Taxation is, therefore, the lawful taking of private property for public purposes.

**Method of Taxation.** In order that any system of taxation may be just it must be uniform, that is, each adult person should contribute according to his means to the support of the government. That this may be done, laws governing the levying and collecting of taxes have been carefully prepared. In Iowa these laws require the following steps:

1. *Assessment.* All taxable property is divided into two classes, real estate and personal property. Real estate includes land and buildings and personal property and all other property. It is necessary that the taxing authorities have a means of learning the value of the property owned by each person residing within the territory under their jurisdiction, be that territory a school district, a civil township, a county or a state.

The first official with whom we come in contact in the process of taxation is the township assessor, as we have already explained (Chapter III, page 18). This official is required once a year to make a list of the property of each resident of his township who is subject to taxation. The assessor is required to list the property at its actual value, but it is assessed at only one-fourth its value. Personal property is valued each year, but the value placed on real estate one year is used the next. That is, real estate is valued only once in two years. Each property holder is required to make to the assessor a statement under oath as to the amount and value of his property. Failure to make this statement is considered a misdemeanor, and is punishable by a fine of not more than \$500.

The assessor receives from the county auditor, by January 15 of each year, two books, and he records in each of them all the items relating to the property assessed. He is required to complete the work before the first Monday in April.

2. *Equalization.* The second step in the process of taxation is equalization of taxes, or review of values. One of the assessor's books is delivered to the township clerk, on or before the regular April meeting of the trustees, and is used by them in reviewing the assessments. The trustees examine the assessor's book to see that none of the property has been listed too high or too low. Any person who thinks

his property has been unjustly assessed can appear before the trustees at this meeting and petition them to correct the assessment. After the values have been reviewed, the books, together with the estimate of the taxes necessary for the township, are submitted to the county auditor.

In a like manner, the board of supervisors of the county act as a board of review in equalizing the valuation of property in the townships of their respective counties, and, finally, the executive council may act as a state board of review to equalize values among the counties. The assessment is based largely upon the judgment of the township assessor. Suppose that in any two townships of a county, the assessor should in one township fix the value of property at as low a rate as possible, and the other one as high as possible. This would not affect the amount to be raised for local purposes, as the local boards estimate the amount of money needed, and not the rate of tax to be levied. But the township having the higher assessment would be obliged to contribute more than its share for the support of county and state government, since the estimates for county and state revenue are based on the assessed value of property at a certain number of mills on a dollar.

3. *Levy of Taxes.* In order to understand how taxes are levied, we must first know the different units of government over which the different taxing bodies extend their control. Beginning with the smallest unit and extending upward in the scale, these are, the subdistrict, the school township, the civil township, the county and the state. The voters of any subdistrict may, within certain limits, by vote increase their rate of taxation for school purposes above that voted by the school township; the board of directors of the school township determine the amount of money necessary for the support of schools under their



control; the board of township trustees determine the amount necessary for the expenses of the township, including construction and repair of roads; the board of county supervisors determine the amount necessary for the county, and the rate for the state expenses is fixed by the General Assembly.

These various amounts, together with the lists of taxable property in each township and school district, are sent to the county auditor. At their September meeting the board of county supervisors levy the taxes to be used for the support of state, county, town and township government. This levy is made upon all the taxable property in the county. The money for the support of the state government is obtained from a uniform tax levied upon all the taxable property of the state. For the payment of salaries of county officers and the running expense of the county government, a levy not to exceed six mills on a dollar is made. For the support of schools, the levy is not less than one mill nor more than three mills, and for building and repairing bridges, not more than three mills on a dollar.

4. *Computing Taxes.* After the assessment lists of the town and township assessors have been properly equalized, the county auditor adds the valuation listed in each to find the total value of taxable property in the county. Then from the amount estimated for county purposes he subtracts the total amount of poll tax and divides the remainder by one-fourth the value of the taxable property in the county. The result is the rate, or the number of mills on the dollar for county purposes. In the same manner he computes the rate for each city, town, township and school district. These, together with the uniform state rate, are then combined as shown under General Levy, which shows how the different items of taxation are determined. The

tax is for all purposes, as levied by the board of supervisors of Buchanan county upon the property in the independent district of Independence for the year 1915.

## GENERAL LEVY

Funds	Mills	How Estimated			
		By	General	Assembly	
State .....	2.9	"	"	"	
University .....	.2	"	"	"	
Agricultural College.....	.2	"	"	"	
Teachers' College.....	.1	"	"	"	
Capitol Extension.....	.5	"	"	"	
State Institutions.....	.5	"	"	"	
College Extension.....	.5	"	"	"	
County .....	4	By	Board of	Supervisors	
Bridge .....	5	"	"	"	"
County Road.....	1	"	"	"	"
Poor .....	1	"	"	"	"
Insane .....	1	"	"	"	"
County School.....	1	"	"	"	"
Soldiers' Relief.....	.2	"	"	"	"
County Home Building.....	2	"	"	"	"
<hr/>					
Total .....	20.1				

## INDEPENDENCE CITY LEVY

Incorporation .....	29	By	City Council	
Library .....	2	"	"	"
<hr/>				
Total .....	31			

## INDEPENDENCE SCHOOL DISTRICT

Teachers .....	19.3	By	School Board	
Contingent .....	12	"	"	"
School House.....	13	"	"	"
<hr/>				
Total .....	44.3			

The general levy for state and county purposes is the same throughout the county. Incorporation, under city

levy, includes not only the expense of running the city government, but city water, lights and other public utilities. People living outside of the incorporation do not pay this, but are required to pay a road tax of approximately six mills for township and county roads in addition to their school district levy and the general levy. The total levy for taxpayers in Independence is ninety-five and four-tenths mills on the dollar for the year indicated.

**Special Taxes.** In addition to the tax on property each male citizen between the ages of 21 and 45 years must pay a poll tax and a road tax, unless he is exempt. Honorably discharged soldiers, members of the National Guard and firemen are not required to pay these taxes. Sometimes special assessments are levied against property. For example, when a street is paved adjacent property owners are required to pay their proportional share of the cost.

The taxes thus far enumerated are for the support of local and state government. In addition to these, we are sometimes called upon to pay taxes to support the national government; this form of taxation is explained in Part III, pages 217-219.

**Collection of Taxes.** To aid the county treasurer in the collection of taxes, that officer is empowered to appoint collectors to whom powers are assigned by law. Owing to the difficulty of collecting taxes on personal property when the owner does not also own real estate, tax collectors have an important work to do. "Tax ferrets," as they are called, have increased the revenues of nearly every county in the state during the past few years, by searching the county records for moneys and credits not properly listed by their owners. These persons are not public officers. They undertake to do this work for a certain percentage of the taxes collected through their efforts.

Taxes levied in any year become due on the first of

January and delinquent on the first day of March following. If taxes are paid before the first of April after they become due, no interest is charged, but if not paid then, interest is charged on the amount of the taxes at the rate of one per cent a month from the first of March, the time they become delinquent. If, however, a person pays one-half of his tax before April first, the other half need not be paid till the last day of September, and no penalty will be charged.

*Tax Receipts.* The treasurer makes out and delivers to each taxpayer a receipt, stating the time of payment, the description and assessed value of each parcel of land, the assessed value of all property belonging to him, the amount of each kind of tax, the interest and costs that have accrued, if any, giving a separate receipt for each year.

*Tax Sale.* On the first Monday in December of each year, the county treasurer is required to offer at public sale at his office, all lands, town lots and other real property on which taxes of any description for the preceding year, or years, are due and unpaid. This tax sale is made for the total amount of such unpaid taxes, together with interest and legal costs of advertisement and sale.

**Exemptions.** In general, the following classes of property are exempt from taxation and are not assessed. The property of the United States and of the state of Iowa, including school lands and all property leased to the state; the property of school districts, townships, incorporated towns, cities and counties, when used exclusively for the benefit of the public and not for profit; the property of literary, scientific, benevolent, agricultural and religious institutions which is devoted to the appropriate uses of these institutions; the estates of persons who, by reason of age or infirmity, are unable to contribute to the public revenue; farming utensils and the tools of any mechanic

actually needed and used by him in earning a livelihood; and government or state lands during the year in which they may have been sold to private parties.

### QUESTIONS AND SUGGESTIONS

1. What is the purpose of taxation? Define taxation.
2. What property in your community is free from taxes? Why? What general classes of private property are free from taxation?
3. Distinguish between real and personal property. Under which class would each of the following come: horses, fences, trees, coal mines, houses, pianos, diamonds, money, automobiles, windmills, railroads?
4. Trace the various steps necessary to take private property for public purposes.
5. Why should a man who has no children pay a school tax? Does the school increase the value of his property?
6. Do people object to high taxes? What improvements might your community provide if there were a general willingness on part of the people to pay taxes? Why should all citizens be public spirited?
7. What may be done when a property owner refuses or neglects to pay his taxes?
8. Secure a copy of tax receipt for your county and compare the levy printed on the reverse side of it with the levy in the book.
9. Is a person dishonest who fails to tell the assessor the full amount and value of his property?
10. The following are suggested for outside study and class discussion: The single tax, income tax, inheritance tax, indirect taxes.

## CHAPTER VII

### EDUCATION

#### I. THE PUBLIC SCHOOL SYSTEM

**Origin.** The Ordinance of 1787, by which the Northwest Territory was organized, declared that "Religion, Morality and Knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged." When Iowa became a separate territory in 1838, the territorial legislature took immediate steps to organize a system of public schools, but owing to lack of means for support, the system was not established on a working basis until about ten years after the state was admitted into the Union.

In the early years all schools were conducted as private enterprises, the teachers obtaining their support from tuition charged the pupils. These schools gradually gave way to public schools as the state became more densely populated, and the development of her resources made the support of public schools possible. This system has been developed from small beginnings, until it has become one of the best in the country.

**Educational Opportunities.** The people of Iowa have provided almost unlimited opportunities for those who wish to continue their education beyond the requirements of the compulsory attendance law. After the course of study for the first eight years, or common school course, as it is called, is completed, any pupil of school age in the state may pursue

an additional four-year high school course. If the school district in which he lives does not provide such a course he may attend high school in a district which does, and the district in which he lives will be required to pay the tuition not to exceed three dollars and fifty cents a month. After completing an accredited high school, any student in Iowa may secure a college or university education practically free of cost at the State Teachers' College, the College of Agriculture and Mechanic Arts, or the State University of Iowa. These great educational institutions will be studied more fully in a later chapter entitled "State Institutions."

**Compulsory Education.** The Twenty-ninth General Assembly enacted a law providing for the compulsory attendance of children at school for at least twenty-four consecutive weeks every year. The law applies to children between the ages of seven and fourteen years. By the provisions of the law, truant officers are provided for, and a system of reports from teachers to those intrusted with the enforcement of the law is also required. Violations of the law are to be punished by a system of fines, and habitual truants may be dealt with according to such reasonable methods of punishment as the board of directors may provide. The Thirtieth General Assembly amended the previous law so as to fix the time of attendance, "commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date, which date shall not be later than the first Monday in December."

**School Corporations.** There are two general classes of school corporations in Iowa. These are (1) school townships, (2) independent districts. Independent districts may be subdivided thus: (1) Rural independent, (2) city, town and village independent, (3) consolidated independent.

*The School Township.* The boundaries of the school

township coincide with those of the civil township. Each school township is separated into as many sub-districts as may be necessary, and a member of the board of directors, called a sub-director, is chosen from each sub-district by its qualified voters. The sub-directors of a township are chosen on the first Monday in March of each year for a term of one year, and all the sub-directors of the township constitute the board of directors. If the sub-districts are even in number, the electors choose one additional director from the township at large, on the second Monday in March.

On the second Monday in March, the qualified voters of the school township meet to transact business of a general nature connected with the management of the schools of the township. If it is necessary to build a new schoolhouse in the township, the money must be raised by a tax voted at this meeting. If any school property is to be disposed of, the sale must be ordered at this meeting.

*Rural Independent.* The sub-districts of school townships may become rural independent districts by a majority vote in each sub-district, one-third of the voters in each sub-district having petitioned the board of the school township that such meeting be called. The board of directors in such districts consists of three members.

*City, Town and Village Independent.* When ten voters in any city, town, or village containing over one hundred residents petition the school board in which the largest number of residents of the city, town or village live, such board shall establish the boundary of the proposed district, including all of the city, town or village and shall call an election therein. If the majority of the voters at such election vote in the affirmative the proposed district becomes an independent city, town or village school district. In all such districts containing cities of the first class or special charter



cities the board of directors consists of seven members. In all other such districts the board consists of five members.

*Consolidated Independent.* There is a strong sentiment in the country for consolidated rural schools, growing out of a general desire not only to improve rural schools but to make rural social life more attractive. In these schools rural pupils have the advantage of a graded school with modern equipment, and the building is usually so constructed that it may be converted into a hall for social gatherings, thus becoming a "community center" for the district.

To organize such a district a third of the voters sign a petition and present it to the school board of the district containing the largest number of people in the proposed district. Such district must contain at least sixteen sections of land and be approved by the county superintendent. A school election is then called and if the majority of the voters favor the proposition the district becomes a consolidated independent district. Five directors manage the affairs of such district, and one of their duties is to provide free transportation for all persons of school age living in the district. The state of Iowa encourages the formation of such districts by giving them a sum of money known as "state aid."

**Directors of Independent Districts.** Directors in all independent districts are elected on the second Monday in March for a term of three years. Their terms are so arranged that there shall be a majority of experienced directors on the board each year.

*Annual Meetings of All School Boards.* The boards of directors in township and independent rural districts must hold an annual meeting on the first day of July unless that date falls on Sunday, in which case on the day following, for the purpose of examining the books of and settling with

the secretary and the treasurer for the year, and for the transaction of such business as may regularly come before them. The board then adjourns and the new board meets for the purpose of organizing by electing a president from their members and a secretary and a treasurer from outside their membership, the latter serving without salary.

The board of directors in all other districts meets on the third Monday in March for the purpose of electing a president and organizing, and on the first of July for the purpose of examining the books of the secretary and the treasurer, and electing a secretary for the year. The treasurer in districts composed in whole or in part of towns is not chosen by the directors, but is elected by the voters on the second Monday in March for a period of two years, and serves without salary.

*Powers of Directors.* School directors have charge of the general management of the schools with power to make reasonable rules and regulations, levy the tax for the teachers' and contingent funds, and employ teachers. They also have power to carry out any instructions given by the voters at the regular meeting or at special meetings called for that purpose.

**School Funds.** The money for the support of the public schools is obtained from the following sources:

1. *The Permanent Fund.* The permanent fund is obtained from the sale of lands granted for school purposes and from money obtained from the estates of deceased persons who may have died without leaving any will or lawful heirs.

In 1845 the Congress of the United States set apart the sixteenth section of land in every unorganized congressional township for school purposes. When Iowa was admitted into the Union, Congress granted the new state 500,000 acres additional land for school purposes, and by a later

act five per cent of the sale of all public lands in any state is paid into the state treasury for the benefit of the schools of the state. This money is distributed among the counties of the state, and loaned on real estate security under the direction of the boards of supervisors. There never can be any loss of money from the fund, for, should any county fail to invest the money properly, the interest must be paid out of the general county fund until such time as the money can be returned to the school fund. The permanent school fund can never be appropriated to any other use.

*Semi-Annual Apportionment.* The interest upon the permanent school fund is distributed among the different counties of the state twice a year, and on this account it is known as the semi-annual apportionment, or public money, as it is frequently called. The basis of distribution of interest is found by dividing the amount to be distributed by the number representing all the persons of school age in the state. The treasurer of each school district receives for the benefit of the teachers' fund of that district as many times the basis of distribution as there are persons of school age in the district. This interest is increased in each county by the net proceeds of all fines and forfeitures paid into the county treasury, and the amount received from the county school tax of from one to three mills on the dollar, which is levied by the county supervisors.

2. *Local Tax.* By far the greater portion of the money needed for school purposes is raised by a tax levied in the district in which the school is located. In addition to this local tax there is a county school tax of not less than one mill nor more than three mills levied by the board of supervisors; also a small sum derived from fines and forfeitures in each county, and from tuition of non-resident pupils.

**Division of Funds.** The money for the support of schools is kept in three separate funds in each district.

These are known as the teachers' fund, which is used for the payment of teachers; the schoolhouse fund, used in building and repairing schoolhouses and purchasing school grounds; and the contingent fund, which is used in the purchase of supplies and the payment of the incidental expenses of the school. Nearly all of the money needed for the support of any school is raised by a tax levied on the taxable property of the district in which the school is located.

*Teachers' Fund.* The teachers' fund is derived from the semi-annual apportionment which includes the interest on the permanent school fund of the state, fines and forfeitures of various kinds, and a county school tax of not less than one mill, nor more than three mills, on a dollar, which is levied by the board of supervisors on the taxable property of the county. The money paid by non-resident pupils as tuition for the privilege of attending school in a district in which they do not reside also forms a part of this fund. In addition to these sums, the directors of each district on the first day of July, or between that time and the third Monday in August of each year, vote to raise a tax for teachers' fund upon the property of their district, not to exceed thirty dollars for each person of school age, except as provided for in the next paragraph.

*Contingent Fund.* The contingent fund is raised by taxation on the property of each school district, and is estimated by the board of directors at the time of estimating the teachers' fund. The amount raised for contingent expenses cannot exceed ten dollars per pupil, except in thinly settled districts where that amount and twenty dollars per pupil for teachers' fund is not sufficient to maintain the schools for six months of twenty days each as required by law. Seventy-five dollars contingent fund and \$275 teachers' fund including the semi-annual apportionment,

may be raised for the support of each school in the state every year.

*Schoolhouse Fund.* The schoolhouse fund is derived from the tax upon the property of any district in which a schoolhouse is to be built or repaired. This tax is voted by the electors of the sub-district or school township, and cannot exceed ten mills on the dollar when levied upon the property of the entire township. At the sub-district meeting held on the first Monday in March, the electors may vote to raise a certain sum of money for the erection of a schoolhouse. If the electors at the school township meeting, the following Monday, refuse to grant any or all of this amount, the tax is levied on the property of the sub-district, not to exceed fifteen mills on a dollar of valuation. As a rule, the schoolhouse tax is levied upon the whole district and expended in the sub-districts as occasion may require.

*School Libraries.* The treasurer of each school township and rural independent district is required to withhold annually, from the semi-annual apportionment, not less than five nor more than fifteen cents for each person of school age residing in the district, for the purchase of books for a school library. This law may be applied to town and city districts by vote of the boards of directors thereof.

**Taxes Certified.** The district secretaries certify all taxes for school purposes to the county auditor on or before the third Monday in August, and the levy of the taxes is made by the board of supervisors at the time of levying the taxes for county purposes at their regular meeting in September. See Chapter VI, *Taxation*.

**Vocational Education.** We have learned that if a person is to be a good citizen, he must not only be intelligent but useful as well. Recent investigations have shown that a great deal of the crime, pauperism, discontent and other social evils are the result of a large class of citizens known

as the "non-employable." Many of these have completed the common schools, but having learned no trade or other vocation, are poorly prepared to earn a living and drift from one hopeless occupation to another, and finally are either too old to learn or are unwilling to work for the small wage offered an apprentice, or beginner.

This condition has led a great many educators to conclude that our public schools must do much more than to give young people a certain amount of "book learning." Many schools are now bringing young people into direct contact with the great world of industry. They are not only making an effort to give the student a sympathy with the great number of desirable occupations, and a knowledge of their advantages and disadvantages, but seek in every possible way to give him such vocational guidance as will better enable him to find a vocation in which he will be happy. Many vocations are termed "blind alleys" because they do not lead to anything higher and a person reaches his highest earning power in them at the age of sixteen or eighteen. Schools are providing instruction which will enable young people to avoid such occupations, and thus reduce the numbers of discouraged, unfortunate, idle and unemployed citizens.

Not only are our schools providing vocational guidance, but many of them are affording opportunities for young people to learn a trade or other occupation while attending school. Vocational subjects are taught with two general ends in view: (1) to give actual skill in a particular vocation enabling the student to earn a living thereby; and (2) to vitalize and motivate the ordinary school subjects, and to broaden the student's knowledge of the practical affairs of life. In this way, domestic science vitalizes or gives interest to arithmetic, chemistry, physiology and hygiene and other subjects, while agriculture and manual training may

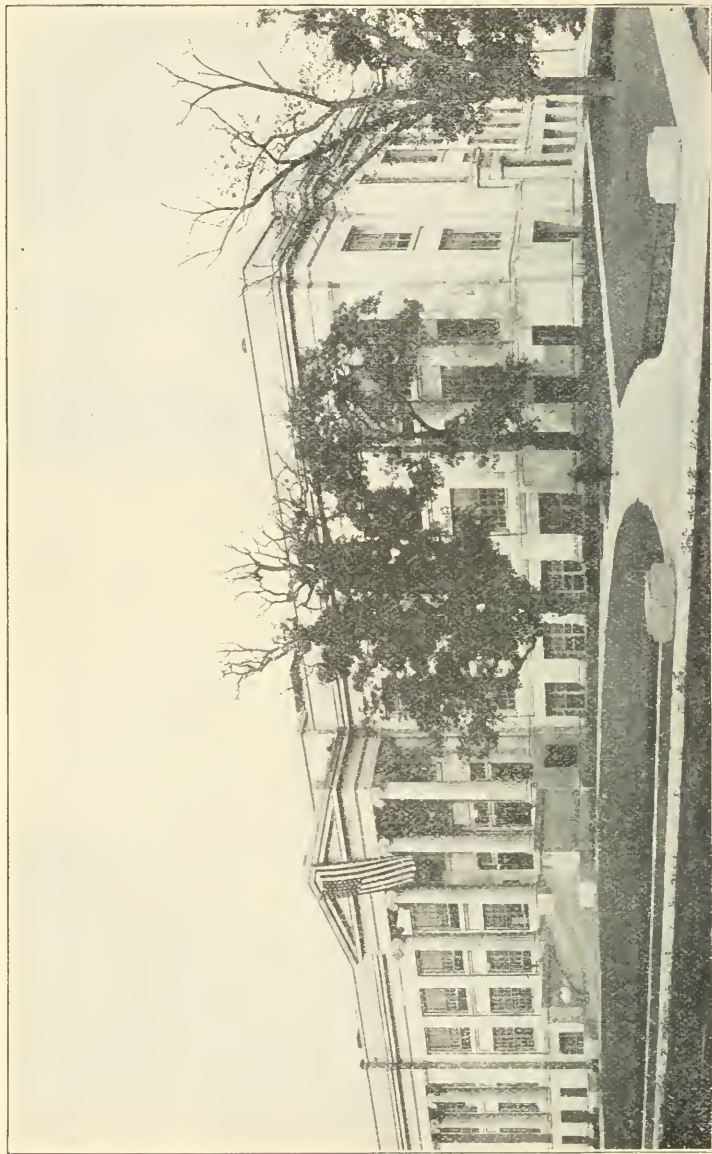




ONE-ROOM RURAL SCHOOL



CONSOLIDATED RURAL SCHOOL



EAST HIGH SCHOOL, DES MOINES



serve a similar purpose. The Thirty-fifth General Assembly provided that agriculture, domestic science and manual training be taught in all public schools of Iowa.

Another form of vocational training found in a large number of high schools in the state is normal training. The object of this course of study is to prepare teachers for the rural schools. After satisfactorily completing a course of study prescribed by the state department of public instruction, students are granted a state normal training certificate which entitles them to teach in any school in Iowa. The state pays each such school \$750 each year to aid it in carrying on the work.

**The Community Center.** School plants are being used more and more as social centers for the community. It seems right that the schools which are the property of all the citizens should be used for purposes where all may meet in common. Many schools both in rural and city districts are being used for community gatherings where politics, civic improvement and many other matters of public interest are discussed. They are used also for lectures, entertainments, Boy Scout, Camp Fire Girls and other gatherings. High school plants with gymnasium facilities, with moving picture and stereopticon apparatus increase the opportunities of using the school as a center of improvement for the community.

**Buildings and Grounds.** There is probably no particular in which there has been a greater change in our schools than in the buildings, equipment and grounds. Modern school buildings are properly lighted, heated and ventilated. The dangers of unsanitary buildings, where disease is easily communicated, where the eyes are injured by wrong lighting, and where the bodies are often deformed by improper seats and desks, cannot be too greatly emphasized.

Large, well-equipped school grounds, which may be used

in the summer months as well as during the regular school year, are being provided. Many modern country schools have playgrounds, covering fifteen or twenty acres. Most playgrounds are much smaller, of course, especially in the cities where space is limited, but in many of these places playground experts are employed to direct the play of children, for it is now realized that many of the most important lessons of life are learned through well-directed games.

**County Superintendent.** The county superintendent is the chief school officer of the county. He is elected by a board consisting of the presidents of each school township, consolidated independent and city independent school district, together with a representative of each township, composed in whole or in part of rural independent districts. The election occurs on the first Tuesday in April every third year, and he assumes the duties of his office on the first secular day of September following his election.

The county superintendent, who may be of either sex, must be the holder of a first-grade certificate, or a life diploma. During his term of office he cannot hold the office of school director, nor be a member of the board of supervisors.

He serves as the organ of communication between the superintendent of public instruction, and the school township and independent district authorities. He sees that these officials and the teachers of his county are supplied with all necessary blanks, and that they receive all circulars or other communications designed for them.

He is required to visit schools and promote the best methods of instruction, to hold examinations for those desiring teachers' certificates, and to perform such other duties as the law requires. His minimum compensation is \$1,500 a year. The board of supervisors, however, may allow

him such additional compensation "as may be just and proper." He is also allowed the expenses necessary for office stationery and postage, and the expenses incurred in attending the meetings called by the superintendent of public instruction.

*Normal Institute.* The county superintendent is required to hold at least one but not more than two county teachers' institutes at such times as the schools are generally in session. A normal institute is a special training school for teachers, and the county superintendent employs several prominent teachers to carry on the work. No person can be employed to teach in an institute without the consent of the state superintendent of public instruction.

*Teachers' Certificates.* Although the county superintendent is required to conduct teachers' examinations, he does so under the direction of the educational board of examiners, by whom all licenses to teach are now issued. At stated times, examinations are conducted in each county by the county superintendent, but the manuscripts are examined and certificates granted to applicants found qualified by the state board. A life diploma is valid during the life of the holder. State certificates are issued for five years and also for two years and county certificates for terms varying from six months to three years according to qualifications of the holders. The fee charged for examination for a life diploma is five dollars; that for a two year certificate, two dollars, and for uniform county certificates, one dollar. All grades of certificates are valid in any county in the state when registered with the county superintendent.

The following grades of certificates are now authorized by law in this state: life diplomas, state and special certificates, and first, second, and third grade certificates, all of

which are issued by the educational board of examiners of the state.

*Appeals.* Any person who is not satisfied with the action of any school board may appeal from the board to the county superintendent. The appeal must be made within thirty days after the decision of the local board, and in a manner prescribed by law. The county superintendent cannot, however, decide cases involving the election of school officers or the payment of money. Such cases cannot be taken before him on appeal, but must be tried in the courts.

*Report.* On the last Tuesday in August of each year, the county superintendent is required to render the state superintendent of public instruction a complete abstract and summary of the reports made to him by the secretary and treasurer of each district in the county, together with much other valuable information concerning the schools under his charge. This report shows the total value of school property in the county, the number of schools, teachers employed, pupils enrolled, persons of school age, the amount expended for the support of schools during the year, and many other items of interest.

At the same time, he is required to file with the county auditor a statement of the number of persons of school age in each school district in the county. He reports to the officers of the different state institutions for the unfortunate, the name, age and residence of each person of school age who is blind, deaf and dumb, or feeble minded.

## II. STATE DEPARTMENT OF EDUCATION

**Origin.** The state department of education took the place of the board of education in 1864.

**Superintendent of Public Instruction.** The state

superintendent of public instruction is appointed by the governor for a term of four years. He is at the head of the public school system and has general supervision of the schools of the state. He holds conventions of county superintendents, from time to time, for the purpose of giving explanations and instructions that will advance the interests of school work throughout the state. By virtue of his office he is president of the educational board of examiners. He renders a written opinion to any school officer who may desire it, and also decides all appeals from the county superintendent, when properly made.

*School Laws.* At the end of every fourth year, he has a sufficient number of the school laws and decisions printed to supply each district in the state with at least one copy, bound in cloth, and enough paper-covered copies of the school laws to furnish one to each school officer in the state.

*Reports.* On the first day of January of each year, he reports to the auditor of state the number of persons of school age in each county. On or before November first of each even-numbered year, he reports to the governor the number of teachers, schools and schoolhouses, the condition of the public schools, and such other information as has been reported to him by the county superintendents. The proceedings of the state teachers' association are also published under his direction for distribution according to law. It is also his duty to appoint a normal institute in each county, annually, upon the request of the county superintendent.

*Salary.* He is provided with an office at the seat of government, in which he keeps all the records, reports and other public documents belonging to his office. His bond is not less than \$2,000. His compensation is \$4,000 a year, and that of his deputy, \$2,500.

**Educational Boards of Examiners.** The educational board of examiners is composed of the state superintendent of public instruction, the president of the state university, the president of the state teachers' college, and two other persons, appointed by the governor for the period of four years. One of the persons appointed must be a woman, and no person is eligible to re-appointment. The superintendent of public instruction is, *ex-officio*, president of the board. A secretary is also employed at a salary of \$75 a month.

### III. STATE EDUCATIONAL INSTITUTIONS

**State University.** Iowa has been very liberal in establishing higher institutions of learning and in providing for the unfortunate of all classes. The State University was organized by the constitution and permanently located in Iowa City in Johnson county. The other institutions have been established by acts of the General Assembly, passed at different times in our history.

*Purpose.* The State University was established for the purpose of furnishing young men and women the best means of obtaining a liberal education. In order to foster higher education, Congress, before Iowa was admitted into the Union, passed a law granting to new states two townships of land to aid in establishing a State University in each. When this land was sold the money received became a permanent fund for the benefit of the university. This money is permanently invested and the interest on it is used for the support of the institution. Recent general assemblies have increased the general support fund of the institution and granted special appropriations for buildings until at the present time the annual income of the university is over a half million dollars.

*Courses of Study.* The university embraces a graduate college, colleges of liberal arts, law, medicine, homeopathic medicine, dentistry, pharmacy and applied science, a school of political and social science, a school of music and two nurses' training schools. The college of liberal arts offers classical and scientific courses as well as special courses for the training of teachers. The college of applied science offers courses in civil, electrical, mechanical, sanitary, mining and chemical engineering, besides courses in forestry and chemistry. There are about 3,000 students in attendance.

**Iowa State College.** The agricultural college and farm were provided for by the General Assembly in 1858. Commissioners were soon afterwards appointed, and the site for the college was located at Ames, in Story county. In 1862, Congress passed a law granting to each state 30,000 acres for each senator and representative the state had in congress. According to the provisions of this law, the agricultural college of Iowa received 240,000 acres. This land was sold in after years, and the interest on the money received from the sale of it is used for the benefit of the school. The law of Congress requires that the buildings must be erected and kept in repair at the expense of the state.

*Purpose.* The purpose of the school is to furnish instruction in the branches of study relating to agriculture and the mechanic arts, without excluding other classical and scientific studies. The courses provide for the systematic study of agriculture and dairying, veterinary science, civil, mechanical and electrical engineering, and a four-years' course for ladies. The tuition is free to all inhabitants of the state over sixteen years of age. The farm is an excellent one, and consists of nearly 900 acres of land specially suited to the needs of the school. An experiment station is maintained at the expense of the state.

**The State Teachers' College.** The State Teachers' College was established by the General Assembly in March, 1876, at Cedar Falls, Black Hawk county, as the State Normal School, and was formally opened the following September. The buildings and grounds were the property of the state, they having been provided for the use of the Soldiers' Orphan Home some years before. The object of the school is to provide for the special instruction and training of teachers for the common schools of the state.

*Purpose.* The course of study embraces literature, mathematics, history, the elements of the sciences, and didactics. A preparatory department has recently been established. How to teach each branch of study pursued is made a prominent feature of all the work of the school. This institution is in a very flourishing condition, and its influence is felt in raising the standard of educational work in the state. There are now about 2,000 students in attendance.

*Course of Study.* Many courses of study are now provided. The scientific course of four years is designed to prepare students for life diplomas. The didactic course of three years includes all the branches upon which applicants are examined for state certificates. There are also special courses for college and high school graduates who desire to study the science and art of teaching. A contingent fee amounting to ten dollars a year is charged all students who intend to teach on leaving the school. There is no regular charge for tuition except to those who do not intend to teach.

**State Board of Education.** In 1909 a law was passed by the legislature which places the State University, the Iowa State College, and the Teachers' State College under the management of a single board of control. This body is called the State Board of Education and it consists of nine members. The term of office of members is six years,



and they are appointed by the governor with the consent of the senate. The board of education select a finance committee of three, outside of its own membership, and to this committee is entrusted the management of the financial affairs of the educational institutions above mentioned. Members of the board of education are paid seven dollars for each day employed, not to exceed sixty days in any one year, and mileage. Members of the finance committee are required to devote their entire time to the discharge of their duties, and are allowed an annual salary of \$3,500 dollars each and actual expenses.

**College for the Blind.** This college was opened for the reception of pupils at Iowa City, April 4, 1853. Five years later, the board of trustees met at Vinton, Benton county, and, in accordance with law, began the erection of a suitable building at that place. In 1862 the building was so far completed, that the school, consisting of about forty pupils, was opened in it.

The college for the blind was placed under the control of the State Board of Education in 1911.

All blind persons of suitable age, residents of the state, may receive an education here free of charge, and residents of other states may be admitted upon the payment of their estimated expenses, quarterly in advance. No person from another state will be received to the exclusion of any resident of Iowa.

The course of study includes all the common branches and many others usually taught only in the best high schools. Music receives special attention, and musical instruments of all kinds have been provided for the instruction or amusement of the pupils. The girls are taught to sew, knit, crochet, weave, and to do many other useful things. The boys are taught to make brooms, weave carpets, and to do such other work as will enable them to be self-supporting.

**Iowa School for the Deaf.** The institution for the deaf and dumb was established at Iowa City, in 1853, permanently located at Council Bluffs, July 4, 1866, and removed to that place in 1871. Every deaf and dumb child in the state, of suitable age, is entitled to an education in this school, at the expense of the state. The instruction given is of a very practical nature, and the course of study embraces those branches that will be of the greatest benefit to the pupils.

**Institution for Feeble-Minded Children.** In the words of the statute, "The purposes of this institution are to train, instruct, support and care for feeble-minded children." It is located at Glenwood, Mills county. The management is in the hands of a superintendent, who is appointed by the Board of Control. He gives bonds for the faithful performance of his duties, in such a sum as the board may direct. Every resident of the state, between the ages of five and twenty-one years who by reason of deficient intellect, is rendered unable to acquire an education in the common schools, is entitled to the advantages offered by this institution, free of charge.

The term "feeble-minded" is intended to include idiotic children, and a separate department is provided for those who cannot be benefited by educational training. All feeble-minded persons under the age of forty-six, and residents of Iowa, may now be received as members of this institution.

#### QUESTIONS AND SUGGESTIONS

1. In what kind of school corporation do you live? Name the present directors.
2. What are the advantages of consolidated rural schools? How does the state encourage consolidation?
3. Is a school township more like a congressional township or more like a civil township? Distinguish the three

kinds of townships. Do the school township and civil township differ more in physical area or in organization and function?

4. Name the general powers of school directors. Make a list of as many specific things as you can which a board might do under its power to have charge of the general management of the schools.

5. Distinguish clearly between the school meetings that occur on the first Monday in March, the second Monday in March, the third Monday in March, and the first day of July.

6. From what different sources does the money come for the support of schools? In what funds is all this money placed?

7. Name as many advantages as you can of well-equipped and well-directed school playgrounds.

8. Can pupils study better in well-ventilated schools? Name the things in which great care should be taken in constructing new school buildings. If you do not have a modern school building, secure plans and specifications of one from the county superintendent or from an architect, and make a careful study of them.

9. For what activities is your school plant used as a community center?

10. What is vocational education? What is vocational guidance? What vocational subjects are required by law to be taught in all Iowa schools? Do you know of any vocational subjects that are being taught in schools? What are "blind alley" vocations? Secure as much information as you can concerning the vocations in your community.

11. Why must we have free schools in a government "by the people"? In what ways may ignorant voters be dangerous? In what ways may intelligent voters help to make their community, their state and their nation better?

## THE SONG OF IOWA

## I

You ask what land I love the best,  
Iowa, 'tis Iowa,  
The fairest State of all the west,  
Iowa, O! Iowa.  
From yonder Mississippi's stream  
To where Missouri's waters gleam  
O! fair it is as poet's dream,  
Iowa, in Iowa.

## II

See yonder fields of tasselled corn,  
Iowa, in Iowa,  
Where Plenty fills her golden horn,  
Iowa, in Iowa.  
See how her wondrous prairies shine  
To yonder sunset's purpling line,  
O! happy land, O! land of mine,  
Iowa, O! Iowa.

## III

And she has maids whose laughing eyes,  
Iowa, O! Iowa,  
To him who loves were Paradise,  
Iowa, O! Iowa.  
O! happiest fate that e'er was known,  
Such eyes to shine for one alone,  
To call such beauty all his own,  
Iowa, O! Iowa.

## IV

Go read the story of thy past,  
Iowa, O! Iowa,  
What glorious deeds, what fame thou hast!  
Iowa, O! Iowa:  
So long as time's great cycle runs,  
Or nations weep their fallen ones,  
Thou'lt not forget thy patriot sons,  
Iowa, O! Iowa.

—S. H. M. BYERS.

## PART II

### STATE GOVERNMENT

#### CHAPTER I

##### IOWA

###### I. HISTORY

**Discovery.** The discovery of Iowa was made by two Frenchmen, James Marquette and Louis Joliet, in 1673. Iowa is an Indian name which means "The Beautiful Land," and the state seems to have been properly named. France laid claim to the territory along the Mississippi River on account of the so-called right of discovery, and, for ninety years, Iowa belonged to France. In 1763 the French king granted his possessions in the Mississippi Valley to Spain, but Napoleon compelled that nation to make a secret grant of this territory to him, in 1801. In 1803, the United States bought from Napoleon the tract of land known as the Louisiana Purchase, for \$15,000,000. The tract contained about 1,000,000 square miles, and the purchase price amounted to less than two and one-half cents per acre.

**Settlement.** In 1788, Julien Dubuque obtained permission from three chiefs of the Sacs and Foxes to dig for lead ore on the west bank of the Mississippi. The same year, he staked out a claim containing nearly 200 square miles, and opened several mines which he continued to work

for more than twenty years. Dubuque, with his ten associates, formed the first settlement made by the whites in Iowa, and the city and county of Dubuque were named in his honor. Other Frenchmen settled along the Mississippi north of Dubuque, about the beginning of the present century, but the settlements were very feeble.

**History of Territory.** In 1804, the Louisiana Purchase was divided by the thirty-third parallel of north latitude, the southern part to be known as the territory of Orleans, the northern part, as the district of Louisiana. The district of Louisiana, embracing the present states of Arkansas, Missouri, Iowa and Minnesota, and the unexplored regions westward to the Rocky Mountains, was attached to Indiana, with William Henry Harrison for first governor. Eight years later, Iowa was organized as a part of the territory of Missouri. In 1821, when Missouri was admitted into the Union, Iowa was left out in the cold, politically, and no provision was made for the remainder of the Louisiana Purchase until 1834, when it became a part of the territory of Michigan. This connection lasted but a short time, however, for two years later, Iowa became a part of the territory of Wisconsin.

*Iowa Territory.* In 1838, that part of the territory of Wisconsin lying west of the Mississippi was organized as the territory of Iowa, and Robert Lucas, of Ohio, was appointed governor. Under his direction, the first census was taken, members of the legislature were chosen, and civil government in Iowa was begun. The act of congress that provided for the organization of this territory gave the governor full power to veto any and all acts of the legislature.

*Constitutional Convention.* In 1840, and again in 1842, attempts were made to call a convention to draft a state constitution, but without success. In 1844, however, a con-

vention called for this purpose, met in Iowa City, and drafted a constitution, which prescribed boundaries differing very much from the present boundaries of Iowa. Within these limits was included a large part of what is now Minnesota, as well as all of Iowa, except a small portion of the northwestern part of the state, embracing the counties of Lyon, Osceola and Sioux, and parts of three or four adjoining counties.

**Iowa a State.** These boundaries proved to be unsatisfactory to Congress, and new ones were proposed by that body. The meridian of  $17^{\circ} 30'$  west from Washington was to be the western boundary, and the northern boundary was changed so as to limit the state in that direction also. In April, 1845, this constitution, owing to the dissatisfaction with regard to the boundaries, was rejected by the people. After another unsuccessful attempt in the following year, a constitution with the present boundaries, which had been proposed by Congress, was adopted August 3, 1846, and December 28, of the same year, Iowa, the twenty-ninth state, was admitted into the Union.

*Old Constitution.* The constitution, adopted by the people of Iowa just before the state was admitted into the Union, is known as the old constitution. Some of its provisions proved to be unsatisfactory, and, in the early part of 1857, a convention met at Iowa City, and drafted the present constitution. The work of this convention was completed in March of that year. Several of its members afterwards held important positions in the state and nation.

*New Constitution.* By its own terms, this draft of a constitution was submitted to the electors of the state at an election held in August, 1857. A majority of the votes cast at that time were in favor of its adoption, and the governor immediately issued a proclamation declaring the new constitution to be the supreme law of Iowa.

*Early Settlers.* Reference has already been made to the early settlements in Iowa. The permanent settlement of the state did not begin until after the close of the Black Hawk War, in 1832. In June of the next year, people from Illinois, Wisconsin and Michigan pushed across the Mississippi, and staked out claims at Fort Madison, Burlington, Davenport and several other places along the river.

A noted author, in speaking of these settlers, says: "The pioneers of Iowa as a class were brave, hardy, intelligent and enterprising people. Among those who have pioneered the civilization of the West, and been founders of great states, none have ranked higher in the scale of intelligence and moral worth than the pioneers of Iowa who came to the territory when it was still an Indian country, and through hardship, privation and suffering, laid the foundations of this great and prosperous commonwealth, which today dispenses her blessings to more than a million and a half of people. In all the professions, arts, industries and enterprises which go to make up a great and prosperous people, Iowa has taken and holds a front rank among her sister states of the West."

**Indian Claims.** The territory obtained from the Indians by the Black Hawk Purchase extended along the Mississippi from the northern boundary of Missouri to the mouth of the Upper Iowa River. The strip averaged about 50 miles in width, and contained nearly 6,000,000 acres, or about one-sixth of the present area of Iowa.

*Half-Breed Tract.* In a former treaty with the Sac and Fox Indians, a valuable tract of land, containing nearly 113,000 acres, was reserved for the half-breeds of these tribes. This land was situated in what was afterwards the southern part of Lee county. The covetous eyes of land speculators were soon turned towards this reservation, and



companies were formed for the purpose of purchasing the rights of the half-breeds to the soil. As might have been expected, conflicting claims arose, and several years were spent in litigation. At last, the supreme court appointed commissioners to settle the vexing question. These men divided the tract into 101 shares, and the titles granted by them were afterwards declared valid by the courts.

In 1842, the government made another treaty with the Sacs and Foxes, and by its terms gained possession of the remainder of the lands belonging to those tribes in Iowa. The Indians were to retain possession of the land till the first of May, 1843. This region had been thoroughly explored by the whites, but the United States authorities had prevented any settlements from being made. As the time for the opening of the land to settlers drew near, hundreds of families encamped along the line, and by sundown of the first of May, over 1,000 families had settled in this new territory. These settlers were simply squatters, for the lands occupied by them had never been surveyed, and still belonged to the general government.

**Land Sale.** Under the laws of the United States then in force, all lands subject to settlement were to be offered at public sale and sold to the highest responsible bidder. If the land could not be sold for want of bidders, actual settlers acquired the right to enter it at the minimum price of \$1.25 per acre. When Iowa was admitted into the Union, there were 27 organized counties, but immigration had been so rapid that many of the 100,000 settlers had founded homes for themselves, even before the lands were surveyed or the counties organized.

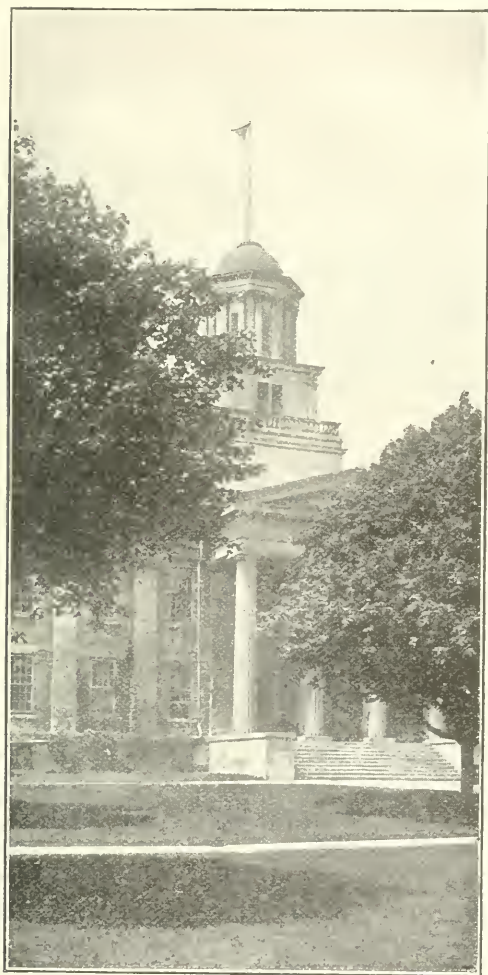
**Capitals.** The first session of the legislature of the territory of Iowa convened at Burlington, in 1839. Nearly all of its meetings were held in the M. E. church of that

place. In the early part of the session, three commissioners were appointed to select a site for a permanent seat of government within the limits of Johnson county. The commissioners selected a section of land, caused it to be surveyed into town lots, and in accordance with an act of the legislature, named the place Iowa City. Work on the public buildings was begun at once, and on July 4, 1840, Governor Lucas reported to the legislature that the foundation of the capitol was nearly completed.

At the first session of the state legislature, it was decided that Iowa City was too near the eastern boundary of the state for a permanent seat of government. It was accordingly determined to re-locate the capital at some point nearer the geographic center of the state. The commissioners appointed to select the new site chose five sections of land in the southwestern part of Jasper county, and called the town which they laid out Monroe City. The public buildings at Iowa City were to be given to the State University, which had been established the year before.

But Monroe City did not thrive, and the legislature continued to meet at Iowa City. In 1855, an act was passed removing the capital to Des Moines, and, three years later, the legislature began its work at that place. In a few years the capitol building was found to be inadequate to the wants of the growing state, and, in 1870, \$150,000 was appropriated for a new building. Other appropriations amounting to more than \$2,500,000 have since been made, and the new capitol is a magnificent building and the pride of the people of the entire state.

The Thirty-fifth General Assembly appropriated nearly \$2,000,000 in the Capitol Extension Act for the purpose of enlarging the capitol grounds. When the plans are completed the grounds will not be surpassed in extent and beauty by any state-capitol grounds in the Union.



THE OLD CAPITOL, IOWA CITY



HALL OF PHYSICS AND ELECTRICAL ENGINEERING



VIEW ACROSS THE OLD CAPITOL CAMPUS  
STATE UNIVERSITY

## II. GREATER IOWA

Iowa, 'Tis Iowa! "You ask what land I love the best?" To this question there can be but one answer in the heart of every loyal citizen. The poet answers it in the inspired words—

Breathes there a man with soul so dead  
Who never to himself hath said,  
This is my own, my native land!

This sentiment of patriotic devotion to one's own land is fundamental to every one having a spark of true manhood or womanhood. It is as much one's duty to love the land where he lives as to love his home; and if one does not, his soul is truly dead to the highest and noblest privileges of citizenship. He loves his country best who is most loyal to the state, town, or rural community in which he lives. The man who could say, "Of all that is good Iowa affords the best," revealed a great patriotic soul.

State and local governments touch us at a hundred points where the national government touches us at one, and it is in these smaller units that the majority of us will exercise the greatest influence in the betterment of human welfare. Nowhere can there be a more substantial reason for local patriotic pride than among those who call Iowa their home.

**Iowa's Material Resources.** Iowa excels every one of her sister states in the percentage of tillable land. Nowhere on the face of the earth are there 56,000 square miles of as rich, fertile and inexhaustible soil as are found within the bounds of this state. Statistics show that less than two per cent of Iowa acreage cannot be transformed into a fertile garden spot. The richness of soil together with the most favorable conditions of moisture and temperature have made Iowa one of the greatest agricultural states in the Union.

Iowa's corn, alone, is worth more than the annual output of either iron ore, hard coal, or the products of all the copper, silver, or gold mines of the United States.

The people of Iowa are just beginning to realize the wonderful possibilities of her unsurpassed resources. The little country of Belgium with but one-fifth the area of Iowa, without superior soil, climate, or other conditions, supports a population of 7,000,000 people. Iowa has at present but 2,000,000, but could without greater difficulty than Belgium, support 35,000,000 people. In other words, all the people now living west of the Mississippi River, and in addition all who are living in Indiana and Illinois, could find support equal to that of the people of Belgium, within the boundaries of Iowa.

Our state excels, not only in the products of her soil, but she is fast assuming a prominence in manufacturing, particularly in those industries which are the natural outgrowth of her raw material. The largest oatmeal factory in the world is located at Cedar Rapids, while the output of the tile-manufacturing industry at Mason City is unequalled anywhere. Des Moines, Sioux City, Dubuque and a hundred other cities are centers for the manufacturing, canning and packing industries. When the people of Iowa realize fully the loss in unnecessary freight expenses which result from shipping the raw material out of the state, these local industries will be greatly increased.

**Our Cultural Resources.** Even more important than Iowa's material wealth is the quality of her manhood and womanhood. "What constitutes a state? . . . Not cities proud, with spires and turrets crowned . . . No! Men, high-minded men!" The test of a people's influence is their education. Knowledge is power. Iowa early recognized and provided for the development of a high grade



of manhood, and today she boasts the lowest percentage of illiteracy of any state in the Union, while no state exceeds her in the percentage of young people attending institutions of higher learning.

But, it is not only for her young people that Iowa provides unexcelled educational opportunities. She is equally zealous for the man, woman, boy or girl who is actually engaged in life's work. She is a pioneer in using her great educational agencies to provide "short courses" and university and college extension instruction for the farmer, the dairyman, the engineer, the mechanic, the editor, the city official, the teacher and many others who are actively engaged in their chosen vocations. In addition to all these evidences of general intelligence nearly every city, town and rural community supports a Chautauqua, a lyceum, and other voluntary educational and cultural associations.

**Iowa's Challenge.** All of these elements combined make Iowa pre-eminently a land of opportunity. Here is enough to challenge the best in every man—the best of his service, the best of his intellect, his manhood, his life. If he wishes wealth, here he may have it abundantly. If he wishes educational opportunities, Iowa has them unsurpassed. If he wishes wholesome surroundings he will find clean towns, with modern conveniences, progressive civic life, loyal community spirit and homes of culture.

Iowa challenges you, young man; you, young woman, to a life of service. Nowhere can you render such service better than in Iowa, nowhere better than in your own community. Your town, your rural neighborhood is the best town, the best neighborhood! You need only to be loyal to it, to cooperate with the best citizens, to contribute your time, your thought and your money, and your community will become to you the best, because you have

helped make it so. You will thus have served your state with loyalty, your country with patriotism, and humanity with honor—the true test of manhood and citizenship.

### QUESTIONS AND SUGGESTIONS

1. What is the origin and meaning of the word "Iowa"?
2. When and by whom was Iowa discovered? By what European nations was the territory of which Iowa is a part, claimed?
3. When and by whom was the first settlement in Iowa made? Name the chief characteristics of Iowa pioneers.
4. Of what territories was Iowa a part at various times?
5. Who was Robert Lucas? Learn as much as you can about his biography.
6. Explain the steps by which Iowa became a state. Give the date of admission to the Union. How does a state differ from a territory? What territories have we at present?
7. How did the first settlers secure land? What is the first entry in every abstract of title in Iowa? Secure a copy of an abstract and examine it. Who are "squatters"?
8. Trace the history of the location of Iowa's capitals.
9. What part was played by Indians in the early history of the state?
10. Write an imaginary conversation for your composition lesson between yourself and Julien Dubuque in which you assume to be one of the members of his party.
11. Why was there no need for "Boy Scout" and "Camp Fire Girls" organizations in the pioneer days of Iowa?
12. Why does Iowa take first rank as an agricultural state? Examine a copy of the *Year Book* to determine



Iowa's rank in the various crops for the past year. Why should local manufactories increase in Iowa?

13. Name as many ways as possible by which Iowa provides for the education of people who are no longer attending schools.

14. How does the importance of a knowledge of state and local government compare with a knowledge of national government?

## CHAPTER II

### STATE GOVERNMENT

**Nature of Constitution.** The constitution of a state is often called its fundamental law, because all laws passed by the General Assembly must be based upon it, and no valid law can be passed in violation of its provisions. It is in the nature of a contract between the state and the people, whereby the powers of the state are defined, and the rights of the people maintained.

The first two articles of the Iowa constitution guarantee certain rights, and will be considered in this chapter. The next three articles, III, IV and V, provide for the general plan, or framework, of our government, and will be discussed in the next three chapters. The remaining articles make specific provision for education, taxation and other matters. Each of these is discussed under its proper heading.

**Preamble.** The preamble, or introduction to the constitution, is as follows: "*We, the People of the State of Iowa*, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of *The State of Iowa*, the boundaries whereof shall be as follows:" (For boundaries, see Constitution.) The preamble is not a part of the constitution, but is designed to show the reason for its establishment.

**Our Rights Guaranteed.** The first article of the consti-

tution is called the Bill of Rights because it guarantees certain rights to our citizens. The second article makes specific provisions for the right of suffrage. A Bill of Rights is found in most state constitutions, and, in all instances, it is copied largely from the first eight amendments to the Constitution of the United States. These rights had been wrested from despotic rulers through long periods of struggle in England and the American colonies during the period of their early history, and for these reasons the people have sought to maintain and insure them by writing them into their fundamental laws.

## ARTICLE I

### BILL OF RIGHTS

**Rights of Persons.** Section *one* of the first article of the constitution defines the civil rights of the inhabitants of the state. It declares that all men are, by nature, free and equal, and that they are endowed with certain inalienable rights. The rights enumerated are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness. These rights of the people are recognized by all free governments. They are called inalienable rights, because they cannot be taken away so long as the government exists.

**Political Power.** Section *two* declares all political power to be vested in the people of the state. Government is instituted for the good of the people, and they have the right to alter or reform the same, whenever the public good may require it. The essence of all free government is contained in the immortal words of Abraham Lincoln, "A government of the people, by the people and for the people."

**Religion.** Section *three* prohibits the legislature from passing any law to establish uniformity of religion, or to restrict the religious liberty of the people. It forbids the laying of tithes, taxes or other rates for building places of worship, or maintaining the ministry.

**Religious Test.** Section *four* forbids the requirement of any religious test as a qualification for any office of public trust, and declares that no person shall be deprived of any rights, privileges or capacities on account of his opinions on religious matters. This is in accordance with the spirit of the Constitution of the United States, upon which the state constitution is based. This section also provides that parties to any suits at law are competent to serve as witnesses in such suits.

**Dueling.** Section *five* declares any citizen of the state who shall engage in a duel, either as principal or accessory, to be forever disqualified from holding any office under the constitution and laws of the state.

**Laws Uniform.** By section *six*, the General Assembly is forbidden to grant any citizen, or class of citizens, privileges or immunities, which shall not apply to all other persons under the same circumstances. All laws of a general nature must be uniform in their operation. It is a fundamental principle of all free government that there shall be no privileged classes.

**Liberty of Speech.** Section *seven* gives every person the right to speak, write and publish his sentiments on any and all subjects. By its provisions, no law can be passed to restrict liberty of speech or of the press, but any person is liable to prosecution for the abuse of this right. In all prosecutions for libel, if it can be proved that the matter charged as libelous is true, the person accused shall be acquitted. Article *one* of the amendments to the Constitu-

tion of the United States insures the same freedom to all the people of the United States.

Section *eight* of this article is reprint, word for word, of the fourth article of amendment to the Constitution of the United States.

**Jury.** Section *nine* provides for maintaining inviolate the right of trial by jury, but authorizes the General Assembly to establish a jury of a less number than twelve men in inferior courts. Another provision is, that no person shall be deprived of life, liberty or property, without due process of law.

**Criminal Cases.** Sections *ten* and *eleven* refer to the method of procedure in criminal cases, and are in substance the same as article six of the amendments to the Constitution of the United States. Section *eleven* establishes the mode of procedure in all criminal cases less than felony, in which the punishment does not exceed a fine of \$100, or imprisonment for more than thirty days. All such cases are to be tried without indictment, before a justice of the peace, or other officer authorized by law. The accused has the right to appeal from the decision of the justice to the district court.

In all other criminal offenses, an indictment must be brought against the person suspected of having committed the crime, before he can be held to answer for the crime of which he is accused. There is an exception to this in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger. Violators of military law are tried by a court martial, consisting of from three to thirteen members, according to the nature of the crime and the rank of the offender.

*Twice Tried.* Section *twelve* provides that after a person has been acquitted by a court of competent jurisdiction, he cannot be tried again for the same offense. A person

charged with the perpetration of a minor crime, is entitled to his liberty before conviction, upon giving bonds signed by responsible parties that he will present himself, at the appointed time, for trial. Such bonds are called bail, and are usually of twice the amount of the highest money penalty, or fine, that can be attached to the crime.

If the person thus set at liberty fails to appear for trial, the amount of the bond, or so much thereof as may be demanded by the court, is forfeited to the school fund of the county, and becomes a part of the semi-annual apportionment for the support of schools. Bail is not usually accepted from persons charged with having committed capital crimes, when the proof is evident or the presumption great. A capital offense is one to which the death penalty may be attached.

**Habeas Corpus.** Section *thirteen* secures to all the right to a writ of *habeas corpus*, when application is made according to law. This right can be suspended and the writ refused only in case of rebellion or invasion, or when the public safety may require it.

The writ of *habeas corpus* has been called "The great writ of personal liberty." It is issued by the judge of the court having jurisdiction of the crime, and cannot be refused when proper application is made by the accused under oath, unless, in case of rebellion or invasion, the public safety may require it. This writ had its origin in England in the "Magna Charta" of King John, granted in the year 1215. Our forefathers esteemed this to be one of their grandest privileges, and it has always been recognized as an inherent right of all citizens of the United States.

**Military.** The *fourteenth* section places the military subordinate to the civil power. It declares that no standing army shall be kept up in the state, in time of peace,

and, in time of war, that no appropriation for a standing army shall be for a longer period than two years. The next section forbids the quartering of troops in any house, in time of peace, without the consent of its owner, and, in time of war, except in the manner prescribed by law.

**Treason.** Section *sixteen* defines treason against the state to consist in levying war against it, adhering to its enemies, or giving them aid and comfort. This is virtually the definition given of treason in the Constitution of the United States. It is also provided, that no person shall be convicted of treason except upon the evidence of two witnesses to the same act, or upon confession in open court.

**Excessive Bail.** Section *seventeen* provides that any bail required shall not be excessive; that is, beyond the nature of the crime for which it is taken. The imposing of excessive fines, and the infliction of cruel and unusual punishments are expressly forbidden.

**Condemnation Proceedings.** The next section declares that private property shall not be taken for the use of the public without just compensation to the owner. The damages resulting from the appropriation of private property for public purposes, shall be assessed by a jury, but no benefit that the owner of the property would receive from the improvements for which it is taken, can be considered in rendering the decision for damages. Every one is entitled to the use of his property to the exclusion of all other private citizens, but sometimes it becomes necessary to sacrifice private rights for the public welfare.

**Imprisonment for Debt.** Imprisonment for debt, in any civil process, except in case of fraud, is forbidden by the *nineteenth* section, and no person can be imprisoned for a military fine in time of peace. So long as the English common law was in operation in this country, imprison-

ment for debt was common, but now it is usually forbidden by constitution or statute in all the states. If the action of the debtor is such that it is reasonable to suppose that he intends to avoid the payment of his debts by concealing his property, or removing it from the state, the provisions of this section will not apply.

**Right to Assemble.** Section *twenty* insures to the people some of their dearest rights, among which is that of assembling to counsel for the common good. The rope makers of Boston held such meetings to devise means for resisting the British soldiery. The modern word caucus is said to be a corruption of *caulkers*, a term often applied to rope makers. The right of making known their opinions to their representatives, and that of petitioning for a redress of grievances, are also guaranteed.

**Bill of Attainder.** The language of the *twenty-first* section is as follows: "No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed." A bill of attainder is a legislative act inflicting the penalty of death, without trial, upon persons supposed to be guilty of high crimes. In former times, the parliament of Great Britain passed laws of this kind, often for the purpose of reaching persons in high places who could not be gotten rid of by ordinary process of law.

**Ex-Post-Facto Law.** An ex-post-facto law is one that is passed after the commission of an act by which the act may be punished as a crime. It would seem that the prohibition of ex-post-facto laws would make the latter part of this section unnecessary. Ex-post-facto laws apply to criminal and penal statutes, but not to those that affect property only. Hence, we may say that this part of the section prohibits ex-post-facto laws in the interests of contracts.

**Rights of Aliens.** Section *twenty-two* grants to all



foreigners residing in the state, the same rights in respect to the possession, enjoyment and descent of property, as native-born citizens.

**Slavery.** The *twenty-third* section prohibits slavery, and declares that there shall be no involuntary servitude in Iowa, except for the punishment of crime. The abolition of slavery by the thirteenth amendment to the Constitution of the United States, rendered this section obsolete.

**Lease of Farm Lands.** The *twenty-fourth* section limits leases of agricultural lands from which rent or service of any kind is reserved, to a period not exceeding twenty years.

**Rights Reserved.** The *twenty-fifth* section is a fitting one with which to close this Bill of Rights. Its language is, "The enumeration of rights shall not be construed to impair or deny others, retained by the people." Liberty, civil and religious, is insured to all within the borders of the state, and, as if this were not enough, any other privileges that may be enjoyed, are reserved to the people. Surely our government rests on a foundation broad and deep.

## ARTICLE II

### RIGHT OF SUFFRAGE

**Right to Vote.** Every free government specifies in its constitution the persons upon whom the privilege of voting shall be conferred. While we speak of this privilege as the right to vote, it is not a right in the sense in which those listed in the Bill of Rights are considered, because the power to designate to whom the privilege of voting shall be granted rests with the state legislature. These other rights are guaranteed in the constitution. The people of Iowa as well as those of other states choose their officers

and adopt or reject measures proposed for the welfare of the state by vote. The franchise, a right to vote, therefore, should be looked upon as a high privilege by those upon whom it is conferred, and every voter should consider it his sacred duty to cast his ballot on election day. Voters are frequently called electors. The right of electors to vote as they choose is established by the last clause of this article, which declares that all elections by the people shall be by ballot.

**Qualifications of Voters.** In the United States it is customary to restrict the right to vote to citizens at least twenty-one years of age. The lowest, or minimum, age at which persons may vote is the same in all the states, but aside from that there is no uniformity. Few of the states agree in all points relating to the qualifications of voters. Wyoming, Colorado, Utah, Idaho, Washington, California, Oregon, Kansas, Arizona, Nevada and Montana grant full suffrage to women. In Illinois women are granted the right to vote for presidential electors and for county, township and state officers whose election is not provided for in the state constitution, and several other states give them the right to vote on school and municipal matters.

*Citizenship.* The term citizen is often improperly restricted to those persons who have the right of suffrage. Many voters in the United States are not citizens, and, in all the states, many citizens are not voters. The fourteenth amendment to the Constitution of the United States says: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside." In some states, foreigners acquire the right to vote at all state elections upon taking out the first naturalization papers. That is not the case in Iowa, however. Here a foreigner must have completed the process of naturaliza-

tion before voting at any election. See *Naturalization*, Part III, page 221.

*Residence.* Some of the states require two-years' residence within the state as a qualification for voting. The residence in the county required of voters varies from no time specified to a residence of one year, and the same variation occurs with reference to residence in the voting precinct.

*Registration.* Wherever the number of voters is so large that they cannot all be known to the election officials, each voter is required to register previous to election. At the time of registration he must give his name, place of residence, and answer such other questions as will assure the election officials of his right to vote. In Iowa voters are required to register before a general election in all cities of 3,500 or more inhabitants.

*Other Qualifications.* Some of the states require a property qualification of electors—that is, before a person, otherwise legally qualified, can vote, he must prove that he owns a certain amount of property, or pays taxes or rent of a specified sum. Several state constitutions provide that “Indians, who have renounced their tribal relations and who have donned the habiliments of civilization, may vote at any election now or hereafter authorized by law.” Several of the states require educational qualifications of electors, while others have no such restriction.

**Exceptions.** Idiots and insane persons are prohibited from exercising the right of suffrage, because they cannot do so understandingly. The only qualified electors who are denied this privilege are those who have been convicted of some infamous crime. It would not be wise to allow criminals a voice in making the laws.

**Privileges.** All electors who are not accused of treason, felony or breach of the peace, are privileged from

arrest on election day, while attending the election, or going to or returning from the same. No elector is obliged to perform military duty on the day of election, except in time of war or public danger. Persons engaged in the military, naval or marine service of the United States do not gain a residence in the state by being stationed here in the discharge of their duties.

**Australian Ballot.** To correct certain abuses in voting by ballot the General Assembly in 1892 passed a law providing for a secret ballot generally known as the "Australian Ballot." This method of voting had its origin in New South Wales, Australia, in 1857. Fifteen years later, it was adopted in England, and afterwards by Canada. Every state in the Union has adopted a secret ballot based upon the Australian plan. The Iowa law is based upon a plan used in Belgium, and should properly be called the "Belgian Ballot." By the Australian plan, the candidates are classified by offices, while by the Belgian, they are grouped according to political parties. The secret ballot removes a number of flagrant abuses that had become common under the old method of voting.

Up to the time that this law went into effect, ballots were printed by political parties or by the candidates for office. This plan was an expensive one, and there were many abuses connected with it. The secret ballot now in use makes it impossible for a corrupt politician who wishes to buy votes to be sure that the voter has cast the ballot as agreed upon.

**Method of Voting—Ballots.** The ballots are prepared and printed under the direction of the county auditor, and every ballot printed must be accounted for. The ballots are printed at the expense of the county, and as many as are likely to be needed are furnished the judges of election at each voting precinct.

*Marking Ballots.* On the day of election, the voters assemble to cast their ballots. A voter approaches the table about which the judges of election are seated, announces his name and asks for a ballot. In case registration is required, the voter's name must be checked on the registration book before he will be given a ballot. One of the judges takes a folded ballot, writes his initials upon the back and hands it to the voter. The voter then takes the ballot, passes into a booth, and prepares his ballot secretly.

At the head of each column is a circle, and there is a square in front of the name of each candidate. If the voter wishes to vote a straight ticket, he makes a cross (X) in the circle at the head of the column which contains the names of the candidates of his political party. If he wishes to "scratch the ticket"—that is, vote for candidates belonging to different parties—he puts the cross in the squares in front of the names of the candidates for whom he wishes to vote. The marking must be done so as to show his preference for the right number of candidates for each office.

*Voting.* Having marked his ballot, the voter folds it so as to show the initials of the judge of election who marked it, passes out of the booth and hands the ballot to one of the judges of election, at the same time announcing his name, so that it may be recorded by the clerks of election. If a ballot is soiled or found to be defective, the voter must return it to the judges of election and get another. He will not be permitted to take a ballot away with him. Blind voters, and those who cannot read, may have assistance in marking their ballots.

**The Short Ballot.** There is a growing belief that the number of elective offices is too large. The number of candidates, especially on the primary ballots, is so large

that it is practically impossible for the average voter to make an intelligent choice. He must either vote for candidates of whom he knows little or nothing, or lose his vote. Under these conditions undesirable candidates often secure nominations for important offices. This difficulty could be remedied if the number of elective offices were reduced, and there seems to be no good reason why this should not be done. By such a plan a great number of administrative officers would be appointed by the governor, and the number of names on the ballot would be so small that the voters would have opportunity to study the qualifications of the candidates who were seeking nomination to the highest offices in the state.

**Nomination of Candidates.** Until recently candidates for office were nominated by the caucus and convention plan. At the caucus, candidates for local offices were named, and delegates were chosen to attend a county convention to nominate county officers. District and state conventions were also held to nominate candidates for district and state offices and the state conventions also nominated candidates for the office of presidential electors and chose delegates to the national convention to nominate candidates for president and vice-president in the year of the presidential election. Each political party held its own caucuses and conventions.

**Primary Elections.** Abuses grew up under this plan and to correct these the primary election law was passed. The purpose of this law is to give every voter a chance to help nominate candidates for office in county, district and state, as well as in the larger cities. By the provisions of this law candidates for county, district and state office are nominated by petitions signed by a certain percentage of the voters. Several certificates for candidates for each office may be filed by each party. Petitions for the nomi-

nation of county officers are filed with the county auditor and for district and state officers with the secretary of state.

The primary election is held on the first Tuesday after the first Monday in June of each even-numbered year. A certain number of days before each primary election, the voters of each political party in each voting precinct meet and nominate delegates to attend a county convention which is held on the third Saturday following the day of the primary election. Each convention selects delegates to attend the district and state conventions of its own political party.

If any candidate for a given office fails to receive 35 per cent of the votes cast by the members of his party for that office, at the primary election, the county convention of that party nominates a candidate for that office from the list of candidates voted for at the primary. At the primary election every voter is required to announce his political affiliation to the judges of election, when he calls for a ballot. The method of marking and casting the ballot is the same as at a general election, and the principles of the Australian method of voting apply. Half of the expense of the primary election in each county is borne by the county and the other half by the state.

*Presidential Primary.* In addition to the primary election for the purpose of nominating the various local and state officers, there is held on the second Monday in April in the years in which a president of the United States is to be elected an election for the purpose of selecting delegates to the various conventions of all political parties. At this election there are chosen (1) delegates and alternate delegates to the national conventions of all political parties at which candidates for president and vice-president are to be nominated; (2) a party national committeeman for each

party; (3) delegates to the county convention. A preferential vote of each party for the purpose of ascertaining the sentiment of the voters of the state towards the respective political parties as to candidates for president and vice-president of the United States is also taken.

### QUESTIONS AND SUGGESTIONS

1. Why was the "Bill of Rights" included in the constitution? Do you think it was really necessary to include it?

2. Name the inalienable rights. Which are most important?

3. What is meant by religious freedom? Do any countries establish a uniform religion today? Why did the Pilgrims come to America?

4. Does liberty of speech give you the right to circulate falsehoods?

5. What advantages are there in a trial by jury? Do you think justice would be carried out better if we were to have a jury of three impartial judges who are thoroughly versed in law instead of our present jury? Ask some lawyer who decide questions of fact and who decide questions of law in a trial.

6. Why should not a person be tried more than once for the same offense?

7. Define habeas corpus, treason and bill of attainder.

8. The General Assembly passed a compulsory education law in 1902. Could parents of pupils who did not attend school in 1901 be fined? What term is used to apply to a law of this kind?

9. May a foreigner living in Iowa own property? May he have the right to a trial by jury? May he demand



the right to vote? What are the qualifications for voters in Iowa?

10. May women vote in Iowa? In what states do they have the same right of suffrage as men? What classes of people are excluded from suffrage?

11. What political abuses are corrected by the secret ballot? Where did this method of voting originate? Describe the process of marking a ballot and voting.

12. What is the convention system of nomination? What is the primary election system?

13. What are the advantages of the "short ballot"? Would a reduction of the number of elective officers deprive the people of power? What redress would the people have if the governor made unwise appointments?

14. Woman Suffrage, Primary Elections, Short Ballot and an Educational Qualification for Voting are suggested as good subjects for class debates or for investigation.

## CHAPTER III

### THE LEGISLATIVE DEPARTMENT

#### ARTICLE III

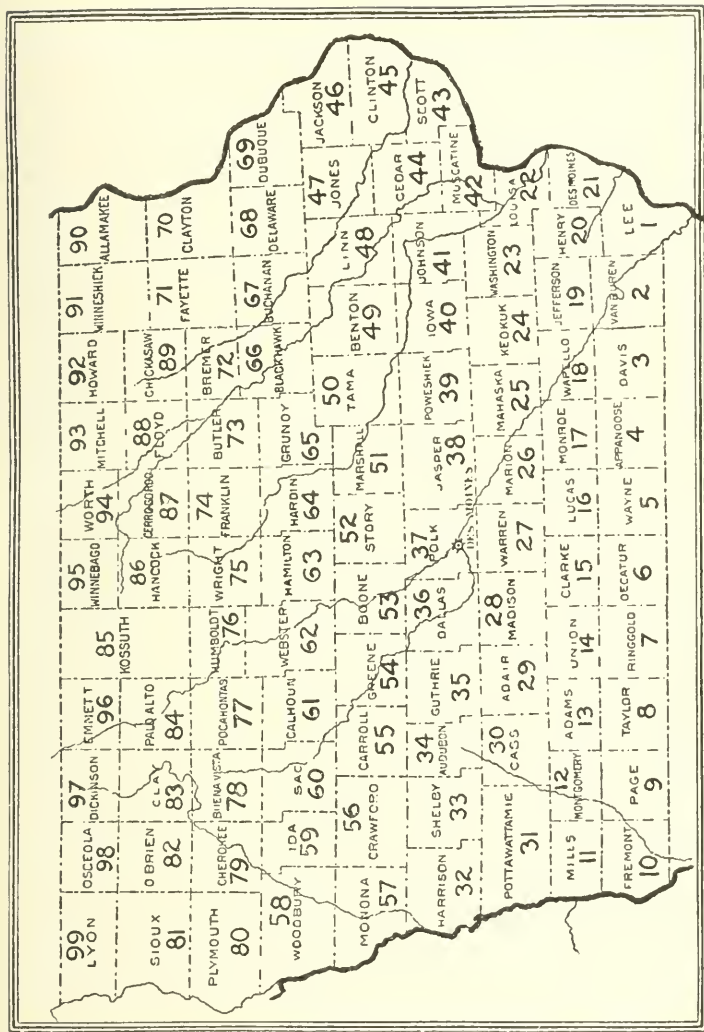
##### DISTRIBUTION OF POWERS

**Branches of Government.** Government, both state and national, is divided into three branches:—legislative, executive and judicial. Provision for this division is made in Article III of the Constitution of Iowa. It is intended that each branch shall be independent of the others, but this is not always possible. Each state in the Union has a constitution which provides for these three branches and defines the powers of each. The legislative branch is also called the law-making power; the executive branch, the law-enforcing power, and the judicial branch, the law-interpreting power.

The legislative branch of government in Iowa is called the General Assembly, or state legislature. It consists of a senate and a house of representatives. The style, or heading, of every law passed by the General Assembly is: *Be it enacted by the General Assembly of the State of Iowa.* The sessions are biennial and are designated by number. By consulting the daily papers when the legislature is in session you can learn the number of the General Assembly in which you should have particular interest.

##### HOUSE OF REPRESENTATIVES

**Members.** The house of representatives, or lower house, as it is sometimes called, is composed of members



IOWA—COUNTIES AND REPRESENTATIVE DISTRICTS

chosen every second year by the qualified voters of their respective districts. A representative must be a male citizen of the United States, at least twenty-one years of age. He must have been an inhabitant of the state of Iowa one year next preceding his election, and, at the time of his election, must have had an actual residence of sixty days in the county or district he is chosen to represent.

*Apportionment.* The house of representatives now consists of 108 members, the largest number possible under the constitution. The number of representative districts is 99, and the ratio of representation is practically one representative for every 27,900 inhabitants or fraction thereof exceeding one-half the required number in the district. As the population of the state increases, it becomes necessary to increase the ratio of representation. This may be done at any regular session of the General Assembly. No representative district can contain more than four counties, and each district is entitled to at least one representative.

Section 33, of Article III, of the constitution, says: "The General Assembly shall, in the years 1859, 1863, 1865, 1867, 1869, 1875, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state." These enumerations, together with the United States census, taken in the last year of each regular decade, enable the General Assembly to apportion the senators and representatives among the several districts.

*Election.* The members of the house of representatives are chosen at the general election, held on the Tuesday next after the first Monday in November of each even-numbered year. In some of the states, the meetings of the legislature are held every year, and the members in such instances are elected annually.

When vacancies occur in either house, it is the duty of

the governor, or acting executive officer, to issue writs of election to fill such vacancies.

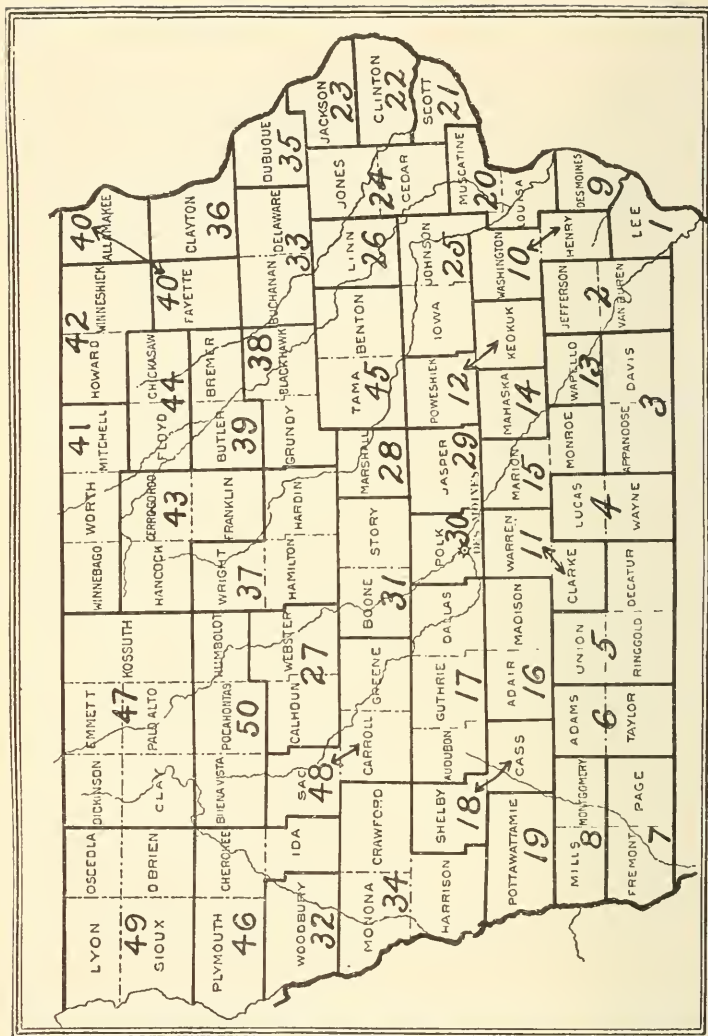
**Powers.** The house of representatives has the same power as the senate in general law-making. Bills may originate in either house, and may be amended, altered, or rejected by the other. The power to impeach state officers is vested in the house of representatives, but the trial of all persons impeached rests with the senate. With this exception, the powers of both houses are the same.

### THE SENATE

**Members.** The senate is composed of members chosen by the qualified voters of the several senatorial districts. The constitution provides that the number of senators shall not be less than one-third, nor more than one-half the number of representatives. The senate is now composed of 50 members, the largest number possible under the constitution.

*Senatorial Districts.* The state is separated into 50 senatorial districts, and each district is entitled to one senator. In some of the other states, the senate is a much smaller body than in Iowa. In all of the states, the senate has fewer members than the house. In Iowa, the senatorial term is four years.

*Qualifications.* Senators must be at least twenty-five years of age. The qualifications as to citizenship, inhabitancy and residence are the same as for representatives. It was intended by the founders of the constitution that the senate should be composed of men of wide experience, and hence the distinction in age was made. In this respect, the state constitution is modeled after the Constitution of the United States, although the minimum age required is not the same.



IOWA—SENATORIAL DISTRICTS

*Senators Classed.* At the first session of the legislature, the senators were divided into two classes as nearly equal in number as possible. The term of those belonging to the first class expired in two years, and that of the others in four years. The successors of the members of each class were chosen for four years. As the number of senators increased, they were annexed, by lot, to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable. At present, there are two classes of 25 members each.

**Powers.** The senate is coordinate with the house in all general legislation.

**Impeachment.** The governor, judges of the supreme and district courts and other state officers, are liable to impeachment for any misdemeanor or malfeasance in office. Judgments in such cases extend only to removal from office, and disqualification to hold any office of honor, trust or profit under the state. The decision of the senate does not prevent the offender from being indicted, tried and punished, according to the laws which govern the crime of which he is accused. The impeachment of all state officers rests with the house of representatives, but the trial of those impeached is conducted by the senate. When acting as a court in such cases, the senators are placed under oath or affirmation to decide the case upon its merits. No person can be convicted without the concurrence of two-thirds of the members present.

#### THE GENERAL ASSEMBLY

**Sessions.** The sessions of the General Assembly are held once in two years, at the seat of government, and commence on the second Monday of January of each odd-numbered year. The governor may, in cases of necessity,

convene the General Assembly by proclamation, before the regular time of meeting. At two o'clock in the afternoon of the day on which the legislature meets, each house is called to order by some person present who claims to be a member. A temporary secretary of the senate and clerk of the house are then chosen, and they proceed to prepare lists of those claiming membership, each for his own house.

**Credentials.** The persons whose names appear on these lists appoint a committee of five members of each house on credentials. The chairmen of these committees report the names of those who hold certificates of election to membership, and each house then proceeds to form a permanent organization, by the election of officers.

**Officers.** The lieutenant-governor is *ex-officio* presiding officer of the senate and acts in this capacity during the term for which he is elected. He is not a member of the senate, however. The presiding officer of the house of representatives, called the speaker, is chosen from among its own members. The other officers of the senate are the secretary and two assistants, an enrolling clerk, an engrossing clerk, sergeant-at-arms, postmaster, janitor and doorkeeper. The house officers are a chief clerk and two assistants, clerks for enrolling and engrossing, a sergeant-at-arms, two postmasters, doorkeeper, janitor and assistant, and mail carrier.

**Oath.** Members of the General Assembly must take an oath, or affirmation, before entering upon the discharge of their duties. The form of the oath is as follows: "I do solemnly swear (or affirm, as the case may be), that I will support the Constitution of the United States, and the constitution of the state of Iowa, and that I will discharge the duties of senator (or representative), to the best of my ability." This is, substantially, the oath taken by all officers in the state, from the lowest to the highest. Members of



either house are authorized to administer the oath to each other, or to any other persons doing business with them when in session, or when acting as members of committees.

**Compensation.** The members of the General Assembly are allowed a compensation for their services, the amount of which is determined by law. At the first meeting under the new constitution, the members of each house received three dollars per day for their services while in session, and three dollars for every twenty miles traveled in going to and returning from the seat of government by the nearest traveled route. The law now is that every member shall receive one thousand dollars for each regular session, and five cents for each mile traveled in going to and returning from the capital.

For each special session, each member receives the same compensation per day that was received by members at the preceding regular session. For example, if the legislature remained in session one hundred days at the last regular meeting, the rate per day would be ten dollars. This, then, would be the rate of compensation for each day of the special session. In no case, however, can the pay of members for any special session be more than ten dollars per day, exclusive of mileage. Members and clerks are supplied with all necessary stationery at the expense of the state.

At the expiration of 30 days from the convening of the General Assembly, the members are entitled to draw the mileage due them, and also one-half of the compensation for the entire session. The minor officers and employees receive their pay from time to time upon the certificates of the presiding officers of the respective houses in which they are employed. The remainder of the salary of members is paid at the close of the session. The salary of the speaker of the house of representatives is \$2,000 for each

regular session and twice the *per diem* of each member for a special session of the legislature.

**Special Provisions.** Each house chooses its own officers, and judges of the qualification, election and returns of its own members. A person who has not all the necessary qualifications for membership may be elected, and his certificate of election properly returned. It is left with each house to decide all questions of this sort. A contested election is settled in a manner prescribed by law. The speaker of the house holds his office the full term for which he was elected, but all other officers serve only during the session at which they were chosen.

**Quorum.** A majority of the members of each house constitutes a quorum for the transaction of business. But a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner, and under such penalties, as each house may provide. This rule applies in all legislative bodies, and its necessity is often shown.

**Adjournment.** Each house determines the time of its own adjournment with the restriction that neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting. The reason for this exception is, that one house might retard the business of the other or prevent legislation altogether, by adjourning from place to place, or for an indefinite period of time.

**Rules of Order.** In addition to keeping and publishing a journal of its own proceedings, each house determines the rules by which it is governed. In the absence of other rules, those contained in *Cushing's Manual of Parliamentary Practice* are used. One of the rules established by the constitution is, that each house shall sit with open

doors, except on such occasions as require secrecy. This is not properly a rule of order, however.

Members may be punished or expelled for disorderly conduct. It requires a two-thirds vote to expel, and no person can be so punished a second time for the same offense.

**Privileges of Members.** *Freedom of Speech.* No member can be called in question in any other place for anything he may say in any speech or debate upon any question in either house. The rules of order determine the mode of procedure in debate, and a member may be denied the right to participate in discussion for violating those rules.

*Freedom from Arrest.* Senators and representatives, in all cases except treason, felony and breach of the peace, are privileged from arrest while attending a session of the legislature, and in going to and returning from the same. Were it not for this provision, members of the legislature might be arrested on false charges and thus be prevented from taking part in the work of law-making.

Any person who knowingly arrests a member in violation of his privilege, is guilty of contempt, and may be punished by fine or imprisonment, or both. The same penalty may be inflicted upon any one for assaulting or threatening to assault a member, or to injure his person or property, on account of anything said or done by him in the discharge of his duties. Any attempt to control or influence the action of a member, by menace or other improper means, is considered a contempt, and may be punished as prescribed above. Several minor offenses may be treated in the same way.

*Right to Object.* Any member has the right to dissent from, or protest against, any act or resolution which he may consider injurious to the public, or to private citizens.

He may also have his objections to the measure entered upon the journal of the house of which he is a member.

*Yeas and Nays.* At the call of any two members present, a vote by yeas and nays must be taken and recorded in the journal. The process of voting in this way is longer than the ordinary one, but it serves to put each member upon record as to how he votes. The names of members and the manner of voting are made a part of the record, and the people, in this way, are enabled to learn just what their representatives are doing.

**Punishments.** Fines and imprisonments of members for contempt are made upon an order from the proper house. The order, with the reasons for which it was issued, must be entered upon the journal. A warrant for imprisonment is signed by the presiding officer, and countersigned by the secretary or clerk. The sheriff, or jailor, of the proper county receives the warrant, and serves it in the same manner as any other writ. Such imprisonment cannot extend beyond the session at which it is ordered, but the guilty party may be tried and punished for the same offense, in the courts of the state.

**Restrictions on Members.** *Other Offices.* As a means of preventing fraud, the following section was adopted: "No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people." A similar provision is contained in the Constitution of the United States.

*Ineligibility.* Persons holding lucrative offices under the United States, the state of Iowa or any other power, are declared by the constitution of the state to be ineligible

to a seat in the General Assembly. Officers of the militia who draw no annual salary, justices of the peace, post-masters, whose compensation is not more than \$100 per year, and notaries public, are not included in the provisions of this section.

*Settlement of Accounts.* Before any person who has been a holder or collector of public money, can take his seat as a member of the General Assembly, or be eligible to hold any office of trust or profit in this state, he must have accounted for and paid into the treasury all funds belonging to his office. This is to prevent persons, guilty of appropriating public money to improper uses, from becoming legislators in their own behalf.

*No Extra Compensation.* After any officer, public agent, or contractor, has entered upon the discharge of his duties, or completed the services agreed upon, he cannot receive any extra compensation for such services. No money can be drawn from the public treasury except in accordance with appropriations made by law. Money cannot be paid on any claim that was not provided for by pre-existing laws, and the appropriation of public money or property, for private purposes, cannot be made except with the concurrence of two-thirds of all the members elected to each house.

**Laws General.** The General Assembly is forbidden to pass any local or special laws for levying taxes for state, county, or road purposes; for laying out and improving roads; for changing the names of persons; for the incorporation of cities and towns; for vacating roads, town plats, streets, alleys or public squares; and for locating or changing county seats. In these and all other cases of a general nature, all laws must be of uniform operation throughout the state. The legislature can pass no law for

changing the boundaries of counties, that may not, at a general election, be ratified or rejected by the people of the counties affected.

**Prohibitions.** The General Assembly is prohibited from granting divorces, or authorizing lotteries and the sale of lottery tickets within the state. Only one subject, with the matters pertaining to it, can be included in any one bill, and the subject treated of must be stated in the title of the bill. If the subject matter of any bill is not expressed in the title, that part of the act referring to such subject matter is void.

**Laws Effective.** Laws of a public nature, passed at a regular session of the legislature, do not take effect until the Fourth of July after they are passed. The laws enacted at a special session take effect in 90 days after adjournment. Any law that is deemed to be of special importance may be put into effect immediately by publication in certain designated newspapers published in the state.

**Committees.** The draft of a proposed law is called a bill. As it would be impossible, in open session, to transact all business connected with law-making, it is customary to refer certain parts of the work to committees. These committees are of two kinds, standing and special. The nature of the measure determines the committee to which it is referred. Committee meetings are held between the daily sessions of the legislature, and the result of their deliberations is reported to the proper house, for final action.

Any person may be summoned by subpoena, to appear before any committee of either or both houses to testify upon any subject which the committee may be considering. The person so summoned is entitled to the same compensation as witnesses before the district court, but he cannot demand the payment of his fees in advance.

**Approval of Governor.** Bills may be introduced in either house, but the other house may alter, amend, or reject them altogether. Before a bill can become a law, it must pass both houses and be signed by the speaker of the house and the president of the senate. It is then presented to the governor for approval. If he is satisfied with its provisions, he affixes his signature, and the bill becomes a law. If he objects to the bill, it is his duty to return it to the house in which it originated, with his objections.

*Veto.* These objections being entered upon the journal, this house then proceeds to reconsider the bill. If, after such reconsideration, the bill is again passed by a two-thirds majority of each house, it becomes a law, notwithstanding the governor's objections. The refusal of the governor to sign a bill is called his veto. *Veto* is a Latin expression, signifying, "I forbid it."

*Governor's Neglect.* The failure of the governor to return a bill within three days from the time it is presented to him (Sunday excepted), is equivalent to his signature, unless the General Assembly, by adjournment, prevent its return. Bills presented to the governor during the last three days of the session must be deposited by him with the secretary of state within 30 days from the time the legislature adjourned. He must also signify his approval by signing the bills, or if he vetoes a bill, his objections must be filed with the secretary of state, along with the bill itself.

**Readings of Bill.** Every act or resolution receives three separate readings, but its second and third readings can not occur upon the same day. A bill cannot be passed without the assent of a majority of all the members elected to each branch of the legislature. The question upon its final passage must be taken immediately after its last reading, the vote being by yeas and nays.

The procedure in making laws is practically the same in the Congress of the United States and in all state legislatures. This method is fully explained in Part III, page 212.

**Joint Convention.** Certain business of the General Assembly is transacted in joint convention of both houses. Such meetings are held in the hall of the house of representatives, and in the absence of the president of the senate and speaker of the house, a temporary president is chosen on joint ballot. A record of the proceedings is kept by the clerk of the house and the secretary of the senate, and recorded by them upon the journals of their respective houses.

**United States Senator.** In 1913 the seventeenth amendment to the Constitution of the United States was ratified. This amendment provides for the election of United States senators by the direct vote of the people, and its ratification virtually repealed this clause of Article II of the constitution of Iowa.

## QUESTIONS AND SUGGESTIONS

1. Name the departments of government and define each.

2. What are the legal qualifications of senators and representatives?

3. How many senators and how many representatives have we in Iowa? What provision does the constitution make as to the relative number? Who is your representative? Senator? What party supported him?

4. When does the General Assembly meet? What officers are elected by each house? Who determines whether members have been duly elected?

5. What privileges have the members? What restrictions are placed upon them?



6. What is the purpose of a vote by "Yeas and Nays"?
7. What is each of the following? Veto, governor's neglect, bill, law, joint convention, impeachment?
8. Follow the proceedings of the General Assembly in the papers, if it is in session. Visit both houses if practicable.
9. What advantages would a small legislature have over one of large membership? What advantage is there in two houses?
10. If you were interested in having a law passed abolishing saloons, how would you go about it to bring it to the attention of the legislature?
11. Secure a copy of the *Code of Iowa* and learn what laws the General Assembly has passed regarding: child labor, factory inspection, insurance of employees and public health.
12. Study the subjects suggested in the statement above in other books and report on them in class or use them for subjects in your composition lesson.

## CHAPTER IV

### THE EXECUTIVE DEPARTMENT

#### ARTICLE IV

##### I. OFFICERS PROVIDED BY THE CONSTITUTION

**Governor.** To the executive department belongs the duty of enforcing the laws of the state. The governor is the chief officer of the state. He is elected every second year by the qualified voters. The election occurs on the Tuesday next after the first Monday in November of each even-numbered year, and the term of office begins on the second Monday in January following the election. The duties of the governor are very important, for to him is entrusted the enforcement of the laws.

*Qualifications.* The qualifications of the governor are not the same in all the states. In Iowa, no person is eligible to that position who is not a male citizen of the United States, at least thirty years of age, and who has not been a resident of the state for two years immediately preceding the election. A lieutenant-governor is chosen at the time the governor is elected. He must have the necessary qualifications for governor, and his term of office is the same as that of the governor.

*Returns of Election.* The returns of the election for governor and lieutenant-governor are sealed and transmitted to the seat of government. They are directed to the Speaker of the House of Representatives, and it is his duty to open and publish them in the presence of both houses of the General Assembly.

The persons who have received the highest number of votes for governor and lieutenant-governor respectively, are declared elected. In case of a tie vote for two or more persons for either office, it is the duty of the General Assembly in joint meeting to proceed to the election of governor or lieutenant-governor, as the case may be.

*Duties.* The governor is required to discharge the following duties:

1. To act as commander-in-chief of the militia, and of the army and navy of the state.

2. To transact business for the state with all civil and military officers of the government.

3. To fill vacancies in state offices by appointment unless the laws provide that they shall be filled in some other way. These appointments last only until the end of the next meeting of the General Assembly or until the next general election.

4. To transmit a message to the General Assembly as soon as the organization of that body is completed. This message contains a statement of the condition of the state, and such recommendations as the governor sees fit to make concerning important matters.

*Powers.* The governor possesses the following powers:

1. To fix the time for adjournment of the General Assembly in case both houses fail to agree upon a time for adjournment.

2. To grant reprieves and pardons except in cases of impeachment and treason, subject to regulations provided by law.

Each case of reprieve, commutation, pardon or remission of fine or forfeiture must be reported to the General Assembly at its next meeting. In every case the report must give the name of the person relieved and the reasons for the governor's action.

3. To suspend execution of the sentence of a person convicted of treason until the General Assembly can pass upon the case.

4. To remit fines and forfeitures under restrictions made by law.

5. To require reports and other information from the other officers of the executive department upon any subject pertaining to their duties.

6. To call special sessions of the General Assembly.

The call must be made by proclamation, and when both houses have assembled it is the governor's duty to state the reasons for which they have been convened.

*Salary.* The salary of the governor is fixed at \$5,000 a year. He is also allowed his actual expenses for visiting the different state institutions. His house rent, not to exceed \$600 dollars annually, is also paid out of the state treasury.

**Great Seal.—Motto.**—The governor is the custodian of the great seal of the state, which is used by him officially in sealing all grants and commissions. All commissions granted by the governor must be signed by him and countersigned by the secretary of state. The motto of the state is a grand one:

“OUR LIBERTIES WE PRIZE, AND OUR RIGHTS WE WILL MAINTAIN.”

**Lieutenant-Governor.** The lieutenant-governor is *ex-officio* president of the senate, but he has no vote except when that body is equally divided. In case of the absence or disability of this officer, or when he is discharging the duties of governor, it becomes necessary for the senate to choose a president *pro-tem*. The salary of the lieutenant-governor is fixed at double that of members of the senate. This, according to the present law, amounts to \$2,000 for the term of two years. In case of the death, impeachment,

resignation or removal of the governor, the duties of that officer devolve upon the lieutenant-governor, and during the time he is acting in such capacity, he receives the same compensation as the governor.

**President Pro-tem.** If the lieutenant-governor, while acting as governor, is impeached or displaced, or for any other reason becomes unable to perform the duties devolving upon him, the president *pro-tem* of the senate acts as governor until the vacancy is filled, or the disability removed. And in case this officer becomes disqualified from any cause, the speaker of the house of representatives acts in his stead.

**Secretary of State.** The secretary of state is elected by the qualified voters for a term of two years. He has charge of all the records of the territorial government of Iowa, the enrolled copies of the constitutions of the state—the old one of 1846 and the new one of 1857—and all other records of the state not kept by the other executive officers. All commissions signed by the governor are countersigned by him, and a record of them is kept by him in a register provided for that purpose.

He is also required to make a biennial report to the governor of all criminal cases as reported to him by the clerk of the district court of each county. He also acts as register of the land office, and there are many valuable papers and records relating to the sale of public lands on file in his office. His bond is fixed at not less than \$5,000, but it is usually much more than that. His salary is \$3,600 a year, and that of his deputy, \$1,800.

**Auditor of State.** The auditor, elected for two years, is the general accountant of the state, and to him is entrusted the duty of keeping a correct account of all moneys belonging to the state as well as of all moneys expended. He superintends the fiscal affairs, and fur-

nishes information and blanks in the proper form to enable county auditors and treasurers to report to him the items they are required to furnish by law.

He draws warrants on the state treasury for all appropriations authorized by law, and reports to the governor before each regular session of the General Assembly, the amount of all revenue, funds, income and taxable property of the state, together with the expenditures for all purposes since his last report.

On the first Monday of March and September of each year, he apportions the interest on the permanent school fund among the counties in proportion to the number of persons of school age in each. The office of the auditor is at the seat of government, and everything that is necessary to enable him to discharge the duties devolving upon him is furnished at the expense of the state. His bond is fixed at not less than \$10,000. His salary is \$3,600 per year, and that of his deputy, \$1,800.

**Treasurer of State.** The treasurer, also an elective officer, receives all moneys belonging to the state and pays all warrants drawn upon the treasury by the auditor. He keeps a record of all warrants paid by him, and reports to the auditor once a week the number and amount of each paid since his last report, and also the name of payee in each case. A report of the affairs of his office must be made to the governor as soon as practicable after the first Monday of November in each even-numbered year. His bond is fixed at not less than \$300,000. His salary is \$3,600, and that of his deputy, \$1,800 per year.

## II. OFFICERS PROVIDED BY THE GENERAL ASSEMBLY

**Superintendent of Public Instruction.** The state superintendent of public instruction, who is appointed by the

governor for a term of four years, has general supervision of public schools of the state. He holds conventions of county superintendents, from time to time, for the purpose of giving explanations and instructions that will lead to uniformity in the school work of the different counties. His salary is \$4,000 per annum. The duties of the Superintendent of Public Instruction are described in Part I, Chapter VII, *Education*.

**Mine Inspectors.** There are three mine inspectors appointed by the governor, to serve for six years. Their term of office commences on the fourth day of July beginning with the year 1914. For convenience, the state is divided into three districts, one inspector being assigned to each district. These officers are required to give all their time to the discharge of their duties, and a careful examination of all the mines of the state is made at frequent intervals.

It is their special duty to see that the mines operated in the state are properly ventilated, and that suitable outlets from the mines are provided. They must also see that the best appliances for the preservation of the life and health of miners are used in the mines. No person can be appointed mine inspector unless he is a citizen of the United States and of Iowa, of good moral character, and at least twenty-five years of age. Each mine inspector must have been a practical miner for at least five years. The salary of each inspector is \$1,800 a year.

**State Sealer of Weights and Measures.** This officer is appointed by the dairy and food commissioner, with the approval of the executive council. It is his duty to have general supervision of all weighing and measuring devices used in the state and to see that only accurate weights and measures are used. The standard weights and measures are provided by the state and are kept in a building erected for

that purpose by the state, at Des Moines. The salary of the sealer, or chief inspector, of weights and measures shall not exceed \$1,800 a year and actual expenses.

**Veterinary Surgeon.** The state veterinary surgeon is appointed by the governor for a term of three years, unless sooner removed. He must be a graduate of some veterinary college, and a person skilled in veterinary science. He has general supervision of all contagious and infectious diseases of animals within the state, and he is empowered to quarantine any animals so diseased, whether they are owned in the state, or are in transit through the state. The person holding this office becomes a member of the state board of health by virtue of his appointment. His compensation is \$1,800 a year, and actual expenses during the time he is occupied in the discharge of his duties.

**Attorney-General.** The attorney-general is a lawyer who acts as counsel for the General Assembly and state officers, and appears for the state in all cases, civil or criminal, in which the state is a party, when requested to do so by the governor, executive counsel, or General Assembly. He appears as prosecuting attorney for the state in all criminal cases tried by the supreme court upon appeal from the district court. At the request of the legislature or any state officer, it is his duty to give, free of charge, his opinion in writing upon any question of law that may be submitted to him.

The attorney-general is provided with an office in the capitol building at Des Moines. His salary is fixed at \$5,000 a year, and that of his assistant, at \$1,800. He is also allowed his necessary traveling expenses when attending to any of the duties of his office elsewhere than at the seat of government. He is required to make a complete report of the business of his office to the governor, biennially.

**Adjutant-General.** The adjutant-general is an officer



appointed by the governor to act as inspector and paymaster-general of the militia. He has the rank of brigadier-general. On or before the first Monday of January of the year following the one in which the census of the state is taken, he reports to the adjutant-general of the United States the whole number of persons in the state subject to military duty. He issues all orders of the governor relating to military law, and causes them to be published, from time to time, as it becomes necessary. He keeps a roll of all commissioned officers of the militia, with their residence and rank, and such other information as may be necessary concerning them. His salary is \$2,200 a year.

**State Printer.** The state printer is elected by the General Assembly in joint convention for a term of two years. His office is at the seat of government, and it is his duty to print the journals of both houses of the General Assembly, and the laws enacted by that body, as well as all forms, blanks and other incidental matter required by the different state officers. His work must be promptly done in a workmanlike manner, and for it, he receives compensation fixed by law, the amount of which depends upon the work done. His bond is not less than \$5,000 and must be signed by at least three sureties. His term of office begins on the first day of January of the year next following his election.

**State Binder.** This officer is elected in the same manner as the state printer, and enters upon the discharge of his duties at the same time. His duty is to bind the laws, journals, and such incidental printed matter as may be required for the use of the state. The work must be done in a neat and workmanlike manner, and to secure this, he is required to furnish a bond of not less than \$2,000. His salary depends upon the amount of work done, the prices of the different kinds of work being fixed by law.

**State Librarian.** The state librarian is appointed by

the governor, and he is required to give his personal attention to the care of the state library during the time it is kept open. He is also required to keep a complete alphabetical catalogue of all books belonging to the library. He reports to the trustees, at stated times, the number and title of all books in the library, the amount of all fines and forfeitures received, and such other information as may be required by law.

His bond is fixed at \$5,000, and his salary at \$2,400 a year. He appoints three assistant librarians at salaries ranging from \$900 to \$1,800 a year.

**Dairy and Food Commissioner.** The food and dairy commissioner is appointed by the governor for the term of two years, commencing on the first day of May of each even-numbered year. His salary is fixed at \$2,700 a year and actual expenses, and his bond at \$10,000. The office was established to aid in abolishing the manufacture and sale of imitations of dairy products, or at least to compel manufacturers and dealers in the spurious articles to label them properly, and sell them as imitations under the names by which they are commonly known. The commissioner must be a person who has had practical experience in the manufacture of dairy products. He is furnished an office at Des Moines, and to enable him to perform all the duties required of him an appropriation of \$50,000, or so much thereof as may be necessary, is made annually.

The Thirty-sixth General Assembly (1915) enacted a law which provides for a state trade-mark to be placed upon properly inspected butter.

**Inspector of Illuminating Oils.** The governor, under the direction of the state board of health, appoints not to exceed fourteen inspectors of illuminating oils, biennially. The term of office begins on the first day of July of each even-numbered year. It is the duty of these officers

to test all the illuminating oils made from petroleum, and designed to be sold for use in this state. All oils that are not properly refined, and those that for any cause will emit a combustible vapor at a lower temperature than 105 degrees Fahrenheit are rejected by the inspectors, and severe penalties are provided for the punishment of any person who may be guilty of selling, or offering for sale, any oil so rejected.

Every barrel or cask inspected is properly labeled or branded and the inspector's name signed. The number of degrees at which combustible vapor is generated is also recorded on the barrel or cask, and a careful record is kept of all inspections made. The chief inspector is allowed fees not to exceed \$150 a month; other inspectors, fees not to exceed \$100 a month. The inspector may appoint as many deputies as may be necessary to enable him to perform the duties of his office. The bond of each inspector is fixed at \$5,000.

**Fish and Game Warden.** For the purpose of keeping the rivers and lakes of Iowa stocked with fish, provision has been made for a fish hatching house, at Spirit Lake, owned by the state, and from which small fish in vast numbers are distributed annually. The Fish and Game Warden has charge of this hatching house, and also of the erection of fish ways, by means of which fish may pass up, down or through the water courses of any of the rivers and lakes of Iowa. It is also his duty to see that the law to prevent the catching of fish at certain seasons of the year is complied with. His salary is \$2,200 a year, and he appoints three deputies at a salary of \$1,200 a year each.

**Other Officers.** A custodian of public buildings is appointed by the governor, with the consent of the senate, at a salary of \$1,500 per year. He is entrusted with the care of the capitol and grounds.

A hotel inspector is appointed to enforce the laws relat-

ing to the public safety and sanitation of hotels. He is a civil engineer and receives a salary of \$1,500 a year.

An inspector of bees is appointed by the governor to give advice concerning the care of bees and the production of honey.

A director of weather and crop service is appointed by the governor at an annual salary of \$1,500. It is his duty to establish weather and crop stations in each county, and to make reports of the records and statistics gathered.

Inspectors of boats are appointed to examine boats as to their safety and to issue licenses to persons qualified to operate them for the use of the public.

A fire marshal is appointed by the governor at an annual salary of \$2,500. It is his duty to investigate the causes of fires and to issue information designed to prevent them. He is empowered to enforce laws against buildings which are unsafe or improperly constructed.

### III. STATE BOARDS, COMMISSIONS AND SOCIETIES

**Executive Council.** The governor, auditor, secretary of state and treasurer compose the Executive Council. Any three of these officers constitute a quorum for the transaction of business. The duties of this body are numerous and important, for to it is given the general management of the property of the state.

The duties of township trustees, town councils and boards of supervisors as boards of equalization are explained elsewhere. In the same manner the executive council of the state serves as a board of equalization between counties. A board of this kind is necessary in order that taxation for the support of the state government may be uniform. By accident or design the property of a county might be assessed very low. This would lessen the amount of money

raised for state purposes, but it would not affect local taxation.

To raise a specified sum of money for school purposes, for example, by lowering the assessment, it would be necessary simply to raise the rate of taxation. Local boards, generally, are required to estimate the amount of money to be raised instead of fixing the rate of assessment. See Chapter VI, Part I, *Taxation*.

The other duties of the Executive Council are to act as a board to audit accounts of supplies furnished the different state officers, and to provide paper for the public printing as well as stationery for the General Assembly, the public offices and the supreme court. All warrants drawn by this board are paid out of the public treasury, but all moneys so drawn must be reported to the next General Assembly.

**Board of Control.** The most important law enacted by the Twenty-seventh General Assembly provided for a board of control for the various institutions supported by the state. This law made a sweeping change in the management and control of all the state institutions, except the state university, the state teachers' college, and the state agricultural college. The trustees of all the state institutions, not educational, went out of office July 1, 1898, and at that time, their management passed into the hands of the board of control.

*Members.* The board of control consists of three members, appointed by the governor, but the appointment must be confirmed by two-thirds of the members of the senate in executive session. The members of the first board were to serve for two, four and six years respectively, and their successors the full term of six years. The chairman of the board for each biennial period is the member who has the shortest term to serve. All members of the board cannot belong to the same political party, and no two members

shall be residents of the same congressional district at the time of their appointment.

*Duties.* The following institutions are under the management of the Board of Control:

- State Hospitals for the Insane
- School for the Deaf
- Institution for the Feeble-minded
- Industrial Home for the Adult Blind
- Soldiers' Home
- Soldiers' Orphans' Home
- Industrial School for Boys
- Industrial School for Girls
- The Penitentiary at Fort Madison
- The Reformatory at Anamosa
- The Tuberculosis Sanitarium.

*Salary.* The salary of each member of the board of control is \$3,000 a year and all necessary traveling expenses incurred in the discharge of his duties. The bond of each member of the board is fixed at \$25,000, with sureties to be approved by the governor. Suitable offices are provided for the board at the seat of government, and the board is allowed a secretary and such other clerical help as may be necessary to enable it to do the work required in a satisfactory manner.

**State Agricultural Society.** The State Agricultural Society was organized for the purpose of stimulating an interest in improved methods of farming and stock raising. There are 104 local societies in Iowa, and delegates from these local organizations are chosen annually to attend a meeting of the state society for the purpose of choosing a president, vice-president, secretary and treasurer, for one year, and a board of five directors to serve for two years, and for the transaction of other business in which the society may be interested. A state fair is held annually at Des Moines under the direction of this society, and the best

products of the farm are there exhibited. Premiums for the best exhibits of all kinds are paid, aggregating \$25,000 a year.

**Horticultural Society.** The object of this society is to promote an interest in horticulture. It works in connection with the State Agricultural Society, and, owing to its efforts, an increased interest is shown in the raising of the various products of the garden. The sum of \$2,500 a year is appropriated out of the state treasury for the benefit of this society.

**Railroad Commissioners.** For many years, the railroad commissioners of the state were appointed by the governor, subject to approval by the Executive Council, but the office is now an elective one. The term of office is four years. No person who is engaged in serving the public as a public carrier, and no one having a pecuniary interest in any railroad is eligible to the office of railroad commissioner.

These commissioners have the general supervision of all railroads operated by steam in the state, and it is their duty to see that the laws governing railroad companies and employees are strictly complied with. The books of any railroad company, at any station or office, are open to inspection by this board, and any officer or agent may be examined under oath. On or before the first Monday of December of each year, they report to the governor the work done by them during the past year, and make such recommendations in relation to their duties as they may think necessary.

The salary of each commissioner is \$2,200 a year; that of the secretary, \$1,800. To secure the faithful performance of his duties, each commissioner is required to give bonds to the amount of \$10,000. Members of the board and the secretary are sworn to perform the duties devolving upon them to the best of their ability.



**Dental Examiners.** The members of this board are five in number, one being appointed each year by the governor of the state, for a term of five years. All dentists doing business in the state are required to register with the board, and all persons commencing the practice of dentistry must possess a diploma from some reputable college of dentistry, or pass a satisfactory examination before the board and receive a license to practice in the state. Each member is allowed five dollars a day and actual expenses for the time employed.

**Board of Health.** The establishment of the board of health was for the purpose of making such regulations and investigations such a board may from time to time deem necessary for the improvement or preservation of the public health. The board issues, from time to time, circulars and pamphlets containing valuable information about the prevention of contagious diseases, and along the lines of general sanitation.

The state is becoming more and more interested in public health. In addition to the activities of the board of health, many laws have been passed providing for pure foods and drugs, sanitary factory conditions, restriction of child labor, and many other measures designed to safeguard the health of the people. One of the most important provisions in the interest of public health was made by the General Assembly in 1915. By the terms of this provision, medical treatment for crippled boys and girls will be given in the state medical hospital at Iowa City free of charge.

*How Composed.* The board is composed of the attorney-general and the state veterinary surgeon, who are members *ex-officio*, a civil engineer, and seven physicians who are appointed by the governor. The term of office is seven years, and it is so arranged that the term of one of



the physicians expires on the thirty-first day of January of each year. The board elects a president from its own membership. A secretary is also chosen at a salary of \$2,400 a year. The regular members of the board are paid their actual expenses while serving in their official capacity, but they receive no salary.

**Commissioners of Pharmacy.** The three members of this commission are appointed by the governor for a term of three years. The members of the board are selected from the most competent pharmacists in the state, and no person is eligible to membership unless he has been a resident of the state for five years, and been a practicing pharmacist for the same length of time.

The special work of this board is to see that none but thoroughly competent persons are permitted to sell drugs and fill prescriptions of medicine. To accomplish this, all persons who desire to engage in the business of selling drugs or dispensing medicines within the state, must first obtain a certificate from the commissioners of pharmacy. The examinations conducted by this board are very strict. The compensation of each member is five dollars for each day actually employed in the discharge of his duties.

**State Highway Commission.** This commission consists of three members with its office at the Iowa State College, at Ames. One of the members is dean of engineering at the State College and the other two are appointed by the governor for a term of four years. Their duties are to devise plans for the construction of good roads in the different counties of the state. The two members appointed receive ten dollars a day for the time actually employed, but the total salary shall not exceed \$1,000 a year.

**State Board of Education and State Board of Examiners.** The duties of these boards are described in Chapter VII, *Education*.

**Board of Parole.** The constitution confers the power of paroling prisoners upon the governor, and it can be exercised by him only, but the General Assembly has provided a board of three members. This board meets at least four times a year to investigate cases for pardon or parole, and make recommendations to the governor. The governor usually follows their recommendations, since they have gone carefully into the merits of each case. The board of parole was created as a result of the modern movement for prison reform, in which an attempt is made to reform rather than punish criminals, and to return them to society as useful citizens.

**Historical Society.** This society was organized for the purpose of collecting and preserving everything of a historical nature, in connection with the state of Iowa. Books, pamphlets, maps, charts, manuscripts and other material of a like character bearing upon the history, progress and present condition of the state, are obtained from all sources possible, and arranged in suitable form for preservation. The collection made by the society is kept in the state historical building at Des Moines. The officers of the society consist of eighteen curators, nine being appointed by the governor in June of each even-numbered year, and nine chosen by the society from its own membership in June of each odd-numbered year. No officer or member of the society receives any compensation from the state for his services.

**Bureau of Labor Statistics.** The principal work of this bureau is performed by an officer called the commissioner of labor statistics. It is his duty to collect and arrange statistics designed to show the exact commercial, social, educational and sanitary condition of the laboring classes of the state, and the changes that are being made in the condition of these classes, for better or worse. He is

charged with the collection of information concerning the agricultural, manufacturing and mining interests of the state. It is also his duty to correspond with persons likely to be interested in the development of any of Iowa's resources, and to furnish such persons with any information they may desire concerning the products of the state. A biennial report of the work done by this bureau is required by law.

The commissioner is appointed by the governor for a term of two years, commencing on the first day of April in each even-numbered year. The salary is \$1,800 a year, with an allowance for the necessary postage, stationery and expenses of the office. There are also three factory inspectors at a salary of \$100 a month, and one of these must be a woman.

Greater activity is being assumed by the state each year in the solution of its industrial and labor problems. The General Assembly of 1915 established a state employment bureau. It is the purpose of this bureau to provide employment for men who are out of work.

**Other Boards.** There are a number of other boards whose chief duty is to act as examiners and issue licenses. The board of law examiners is composed of the attorney-general and four other members appointed by the supreme court. It is their duty to examine applicants who desire to practice law. They receive \$15 per day for time so spent. The board of examiners for mine inspectors is appointed by the Executive Council, and it is their duty to examine the qualifications of those who wish to act as mine inspectors. The board of medical examiners is composed of the physicians who are members of the board of health. It is their duty to license persons qualified to practice medicine or osteopathy. The board of optometry examiners is composed of three optometrists, one physician and the secretary of

the board of health. Their duty is to examine and license persons qualified to practice optometry.

The chief functions of the board of library trustees and the board of geological surveys is to appoint a competent librarian and geologist respectively. The first-named board is composed of the governor, secretary of state, superintendent of public instruction, and the judges of the supreme court. The geological board is composed of the governor, the presidents of the state university, state agricultural college and academy of science, and the state auditor. These officers receive no additional salary. The board of voting machine commissioners is appointed by the governor. It is composed of three members whose duty is to examine the accuracy of voting machines wherever they may be in use.

**Qualification of Officers.** No civil officer can enter upon the discharge of his duties until he has qualified by taking an oath of office according to law. The governor and lieutenant-governor are required to take the official oath in the presence of the General Assembly in joint convention. The oath is administered to them by a judge of the supreme court. Members of the General Assembly qualify by taking the oath prescribed for them in the third article of the constitution.

*Oath.* In addition to the obligation to support the Constitution of the United States and that of the state of Iowa, judges of the supreme and district courts must subscribe to an oath in writing, that they will administer justice to rich and poor alike, without fear, favor, affection or hope of reward. The officers above mentioned, together with county supervisors and township trustees, are not required to give bonds.

*Sureties.* All other civil officers are required to give sureties in double the amount to be secured. For example, if the bond is fixed at \$1,000, the signers must have property

valued at \$2,000 above all indebtedness. The amount of the bond required differs according to the responsibility of the office and the amount of money to be handled. The bond of the state treasurer cannot be less than \$300,000, and is the heaviest one required.

*Bonds Approved.* Bonds of state officers are fixed by law and approved by the governor, those of the county officers by the county supervisors. The township clerk approves the bonds of all township officers except his own and those of justices of the peace and constables. All officers are required to qualify before a stated time, usually the first Monday in January following their election, and a refusal to qualify within the time prescribed is considered a refusal to serve.

**Vacancies.** Vacancies in office are filled by appointment as follows:

In the office of clerk and reporter of the supreme court, by the supreme court. In all other state offices, and in the membership of any board or commission created by the state, where no other method is especially provided, by the governor.

In county offices, vacancies are filled by the board of supervisors, and in the membership of that board, by the county auditor, county recorder and clerk of the district court.

Vacancies in township offices are filled by the trustees, but when the offices of the three trustees are all vacant, the clerk appoints the necessary officer, and if there is no clerk, the appointment is made by the county auditor.

The constitution of Iowa provides that an officer appointed to fill a vacancy in an elective office holds until the next regular election, and until his successor is elected and qualified. But a person elected to fill such vacancy holds for the remainder of the unexpired term.

## QUESTIONS AND SUGGESTIONS

1. What are the legal qualifications for governor? What other qualifications do you think a governor ought to have? Who is our present governor? Which party supported him?

2. What are the duties of the chief executive of Iowa? In using his veto power he exercises a legislative function. Does he exercise any other influence over legislation? Are the branches of our government kept entirely separate? Do you think there ought to be a closer union between these departments in our state government similar to the commission form of city government? Give reasons for and against.

3. Who is *ex-officio* president of the senate? What are his regular duties? When may he vote on legislation? What is the order of succession in case of the death or disability of the governor?

4. What executive officers are specifically provided for by the constitution? What article and section makes this provision? State the duties of each of these officers. What would be the advantages of having them appointed by the governor?

5. Name ten executive officers not specifically provided for by the constitution. By what authority were these offices created? How are the offices filled? What are the advantages of these methods over having them elected by the people? Is it undemocratic, that is, do these methods necessarily lessen the power of the people?

6. State which of the above officers have charge of the educational interests of the state. Which ones does the state provide in the interests of her natural resources? Which ones in the interests of her health and safety? Name at least two in each case. Which are merely appointed for economy in handling certain affairs of the government?

Could the state printing and binding be done more economically if given to private printers in the state?

7. Who compose the Executive Council? If given the power, could this council handle the affairs of the state without a legislature? What are their duties as a council?

8. Discuss the duties of the highway commission. In what ways do good roads benefit farmers? Town people? What advantages are good roads to consolidated schools? What amounts of money have been spent on road improvement? Has it been wisely spent? Why? Consult the county engineer or learn from books and other sources all you can concerning clay, loam, sandy and rocky roads, and the manner of improving them. Learn, if possible, the relative cost of brick, concrete, asphalt and macadam paving.

9. Discuss the duties of the board of health. Secure as many pamphlets and bulletins as possible from the secretary of this board, who will be glad to send them free of charge. Study these and make them the basis of investigation of problems of public health. Other sources should be drawn upon also. Investigate as many as possible of the following: (a) Contagious diseases, (b) disposal of household waste, (c) pure water, (d) medical and dental inspection in schools, (e) vaccination and quarantine, (f) ventilation of buildings, (g) baby health contests. In what ways are the commissioners of pharmacy and the dental examiners related to the problem of public health?

10. What societies has the state provided to encourage her greatest industries? Find out in how many other ways the state aids her agricultural and manufacturing interests.

11. Secure information from the bureau of labor statistics and from other sources, and report on the following: (a) Wage laws, (b) employment bureaus, (c) safety devices, (d) old age pensions, (e) vocational guidance.

12. Devote at least one-half page in your note book to

each executive officer, board, society, commissioner or inspector. Make a record of the following points under each:

1. Present incumbent
2. How chosen
3. When chosen
4. Term of office
5. Duties
6. Other matters of interest.



## CHAPTER V

### JUDICIAL DEPARTMENT

#### ARTICLE V

##### COURTS

**Established.** Section 1 of Article V of the constitution of Iowa says: "The judicial power shall be vested in a supreme court, a district court, and such other courts, inferior to the supreme court, as the General Assembly may, from time to time, establish."

In accordance with this provision the following lower courts have been established as the needs for them have arisen: The justice court, found in every township, the police court, which is the local court for the trial of minor offenses in cities where no superior court has been established, and the superior court, which is a city court, and may be established in any city of 4,000 or more inhabitants.

**The Justice Court.** The justice court is the one that comes nearest the people, and is also at the bottom of the judicial scale. It is presided over by a justice of the peace, two justices of the peace being elected in every township at each annual election (see page 13). They must reside in the township in which they are elected, but unless specially restricted by law, they exercise jurisdiction throughout the county in which they reside.

Each justice keeps a record book, or docket, as it is called, in which he records all official acts done by him. The prin-

cial duty of justices of the peace is to hold court for the trial of certain kinds of offenses, and for the settlement of disputes or the collection of small sums of money by process of law. The justice of the peace may also perform the marriage ceremony, act as coroner and acknowledge papers and administer oaths, and bind over disorderly persons to keep the peace. He may try all civil cases in which the amount of the controversy does not exceed \$100, and with the consent of both parties he may try cases in which the amount involved is as high as \$300. In criminal suits the justice may try cases in which the penalty does not exceed \$100. He may also conduct hearings in cases beyond his jurisdiction and bind the accused over to the grand jury by fixing such bail as the law authorizes.

When a prisoner is bound over to appear before a higher court for trial, he gives a bond signed by responsible parties, in which it is agreed that if the accused does not appear for trial at the proper time, the amount of money named in the bond will be paid over to the proper officers for the benefit of the school fund of the county. Persons who cannot furnish bonds in such cases are sent to the county jail to await trial.

*Lawsuits.* Suits at law are of two kinds, civil and criminal. A civil suit is one for the enforcement or protection of right or the prevention of wrong doing. A criminal suit is brought in the name of the state for the purpose of punishing an offender against the criminal laws of the state.

Crimes are of two classes, felonies and misdemeanors. A felony is a crime that may be punished by imprisonment in the penitentiary, or by heavy fine. A misdemeanor is a minor crime, and is punished by light fine or imprisonment in the county jail. Murder, manslaughter, burglary, arson, grand larceny, and several other crimes are felonies. Petit larceny, assault and battery, drunkenness, the refusal of an

officer to perform his official duties, and other lighter offenses are misdemeanors.

The person who begins the suit is called the plaintiff, and the person sued, the defendant.

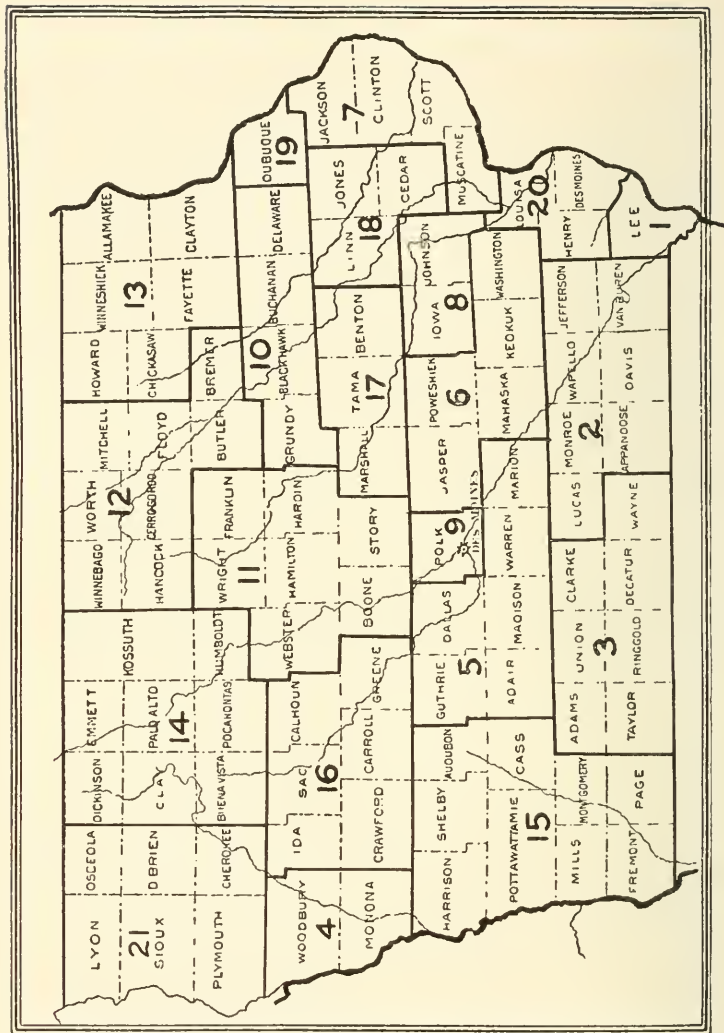
*Notice of Suit.* Some suits in justice courts may be commenced by the voluntary appearance in court of both parties to the suit. In many cases, a written notice from the justice of the peace to the defendant is necessary. Such a notice must contain the name of the defendant, or a description of him, if his name is unknown, the nature of the claim, the amount claimed by the plaintiff, and the time set for trial. The notice is then given to the sheriff or any constable of the county to be served upon the defendant. The notice must be served within ten days of the time it is issued, and the trial must be held within fifteen days of the date of the notice. The defendant in any civil suit may put a stop to the proceedings at any time by paying the amount of the claim with the costs that have accrued.

*Change of Venue.* Before the trial commences, either party may have it changed to some other justice court by filing an affidavit, or written statement under oath, stating:

1. That the justice is prejudiced against him.
2. That the justice is a near relative of the other party to the suit.
3. That the party filing the affidavit considers the justice a material witness against him.
4. That he believes he will not receive justice at the hands of the officer before whom the action was commenced.

This is called a change of venue, and it is designed to be a protection to personal rights.

*Trial by Jury.* The Bill of Rights secures to all the right of trial by jury. In the higher courts the jury consists of twelve members, but in justice courts it consists of six members. In civil cases a trial by jury may be waived with the



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consent of both parties, but any person accused of crime has the right to demand a jury trial. If the person is found not guilty, he is set at liberty at once. If he is convicted, the justice renders the judgment of fine, or imprisonment, or both, as the case may require. Criminals sometimes plead guilty to the crimes of which they are accused in the hope of receiving a light sentence.

*Postponement.* After a case has come to trial, it may be postponed for not more than sixty days to enable either party to secure additional witnesses.

**The Superior Court.** A superior court may be organized by vote of the people of any city having 4,000 inhabitants. When established it takes the place of the mayor's court or the police court. Each superior court has one judge chosen by the qualified voters of the city in which the court is established for a term of four years. His salary is \$3,000. One-half of the salary is paid by the city and one-half by the county. The superior court has exclusive jurisdiction in all cases arising under the ordinances of the city in which it is established, and concurrent jurisdiction with the district court in all civil matters, except actions for divorce, separate maintenance and the like, and probate matters. It also has concurrent jurisdiction with justice courts. Cases from the justice court within the town where the superior court is located may be appealed to that court, and cases from any town in the county may be so appealed with the consent of both parties.

In rank the superior court is between the court of the justice of the peace and the district court.

**District Court.** The district court now has general original jurisdiction in all suits at law, both civil and criminal, except those in which exclusive or concurrent jurisdiction is given to some other court specially authorized by the constitution and laws of the state. It is also a court

of equity. As a court of probate, it has exclusive original jurisdiction in the proving of wills, and in the appointments of administrators, guardians, and trustees to settle the estates of persons deceased. This court also serves as a court of appeals in certain proceedings from justice and police courts.

In addition to the regular judicial business of this court, it has the general supervision of all inferior courts, and provides for the correction of abuses, in case no special remedy is fixed by law. It also has exclusive jurisdiction over all indictments presented by the grand jury.

*District Judges.* Iowa is separated into 21 judicial districts, and there are in all 59 judges. Each district has from one to five judges, according to the amount of business to be transacted. The salary of district judges is \$3,500 a year. The term of office is four years, beginning on the first of January following the election. Judges are chosen at the general election by the qualified voters of the district in which they reside, and all candidates for the office of district or supreme judge are nominated on a non-partisan judicial ticket.

**Supreme Court.** The supreme court consists of seven judges whose term of office is six years. Two judges are elected at each general election, except that beginning with the election held in 1914, and at each third general election thereafter, an additional judge is chosen. Both the nomination and election of supreme, district and superior court judges in Iowa is non-partisan. At the primary election the same names of candidates for nomination appear on all ballots, regardless of political party. Each voter may cast his vote for twice as many candidates to be nominated as there are places to be filled at the general election. At the general election in November, there is a separate place on each ballot known as the "non-partisan ticket" upon which are placed

the names of the judicial candidates nominated at the primary. Thus, if there are two judges to be elected, and four names appear on the ballot, the two receiving the highest vote are declared elected.

*Organization.* The court is divided into two sections of three members each, the chief justice presiding in open court with each section. Each of these sections may hold court and decide cases separately. It is evident that if the three members in a section and the chief justice agree in any particular case, it is not necessary to submit such case to the whole court, since either section with the chief justice constitute a majority of the court. However, if differences arise concerning any case between the members of either section, or, if the chief justice so orders, such case shall be submitted to the whole court.

Three sessions are held each year beginning in January, May and September in the supreme court room of the capitol. During the time court is not in session, the members are engaged in examining the evidence in cases that have been appealed from lower courts.

*Powers and Duties.* The supreme court has original jurisdiction in two kinds of cases only—certiorari and mandamus. (Certiorari is a writ requiring an inferior court to send in to the supreme court proceedings that are pending in the inferior court for revision. Mandamus is a writ issued by the highest court to a person, corporation or an inferior court commanding the party to whom it is issued to do the thing specified in the writ). Its jurisdiction is almost entirely appellate, that is, most of its work consists in deciding cases which have been tried in the lower courts. These cases involve both questions of law and questions of fact, but in all except equity cases, the supreme court decides only upon the points of law and not upon the facts, or the truth of testimony presented by the witnesses. That is, it

retries equity cases, but merely reviews the procedure and evidence in all other cases to determine whether they have been properly tried in the lower courts.

The supreme court has the sole power of determining whether any law passed by the General Assembly is constitutional or not. If any provision of the constitution of the state is violated by the terms of a law, that law is unconstitutional, and when so declared is no longer considered a law of the state. The decisions rendered by the supreme court form the basis of procedure in the lower courts, and are final in all cases except such as, in some way, involve the constitution, laws or authority of the United States. Such cases are, of course, transferred to the Federal courts or appealed to the Supreme Court of the United States. In addition to the above-mentioned powers the supreme court of Iowa has general supervision of all the lower courts in the state.

*Officers.* The officers of the supreme court are the chief justice, clerk and reporter. Of the judges whose terms of office first expire, the senior in time of service shall be chief justice for one year, and, if there be but two of them, the junior shall be chief justice the next year. If two or more are equal in time of service, then the right to the position and the order in which they serve shall be determined by seniority of age. That is, the oldest in years will first serve one year, then the next oldest and so on in rotation. The clerk and the reporter of the supreme court are appointed by that court for a term of four years. The clerk keeps a record of all proceedings, files all the evidence submitted in the cases which are appealed to the supreme court, and delivers the decisions and opinions of the court to the reporter. It is the duty of the reporter to publish these decisions in large volumes which are copyrighted in



the name of the state, and are known as "Supreme Court Reports."

The clerk of the supreme court has charge of all decisions made by the court. His duties are such as are indicated by his title. He is placed under bonds to the amount of not less than \$10,000, and for his services he receives \$2,700 per year. He is allowed to appoint a deputy, who is paid \$1,500 per year. Hereafter, the clerk and reporter of the supreme court will be appointed by the supreme court. Their term of office is four years.

The supreme court reporter has charge of publishing the decisions of the court in reports of from 750 to 800 pages each. These reports are copyrighted in the name of the state, and the reporter is forbidden to have any pecuniary interest in them. The compensation for each volume of reports published is \$600.

**Jurors.** All qualified electors of the state, of good moral character, sound judgment, and in full possession of the senses of hearing and seeing, and who can speak, read and write the English language, are competent jurors in their respective counties. There are certain exceptions, however. All persons holding office under the laws of the United States, or of this state; all practicing attorneys, physicians and clergymen; all practicing professors or teachers in any institution of learning; registered pharmacists, and all persons disabled by bodily infirmity, or over 65 years of age, are exempt from liability to act as jurors. Any person summoned as a juror may be excused from serving for good cause shown.

*Grand Jury.* The grand jury of any county serves as an investigator of crimes committed in that county. It has no power to try criminals and fix the punishment for crimes committed. Real or alleged violations of the criminal laws of the state are reported to the grand jury, and if

the evidence against any person is such as to indicate that he has committed a crime, the grand jury prefers an indictment against him. He is then arrested, if possible, and held for trial before the petit jury.

An indictment is a written accusation presented to the court in which the grand jury is impaneled, charging the person named therein with the violation of the criminal law, or with the commission of some act which is punishable on indictment. Such an accusation can be made only upon the sworn statement of witnesses examined by the grand jury, or by evidence furnished by certain legal documents, as provided by law.

By an act of the Twenty-sixth General Assembly the grand jury consists of seven members. A list of the names of 75 persons qualified to serve as jurors is made in each county biennially, and from this number twelve names are chosen. From these twelve names, the seven persons who are to serve as grand jurors for each term are selected. The county auditor and clerk of the district court have charge of preparing the lists of grand and petit jurors.

*Petit Jury.* In counties having a population of 15,000, or less, the number of petit jurors drawn is 15, unless the judge otherwise directs. In counties having a greater population, the number of petit jurors is 24. Twelve of these are selected as a trial jury, unless objections are raised against them by one or both parties to the suit. A trial jury always consists of 12 members in the district court, and provision is made for increasing the number of persons from whom the jurors may be selected, if necessary.

*Selection of Jurors.* The method of selecting grand and petit jurors is practically the same. The county auditor is required to furnish the judges of election in each precinct, at the time of furnishing the poll books in each

even-numbered year, a statement of the number of persons appointed to their respective precincts to be selected by them for jury service for the ensuing two years.

The board of supervisors of each county is entrusted with the selecting of jurors. It is authorized to strike from the list of jurors returned the names of any who are by law exempt. A complete list of the names of all persons subject to jury service is made by these officers, and the names and addresses of all persons on the list are written on separate ballots. These ballots are all put into a box, sealed, and delivered to the county auditor, except that in arranging the list of jurors from the city or town in which the court is held, the list of talesmen is put into a different box from the one containing the regular list.

*Talesmen.* This second box is called the talesman box, and in case it becomes necessary to go outside the regular list of jurors chosen for any term of court, selections are made from this box. The drawing of jurors is intended to be entirely impartial, and as names are drawn from either of the boxes referred to, they are put away for safe keeping, and not returned to the original boxes until all the other names have been drawn out. This prevents a person from being chosen for jury service too frequently. The sheriff summons the persons whose names have been drawn, and they must appear for duty at the next term of court unless excused by the judge.

At the close of each term of court the clerk issues a certificate to each juror showing the amount to which he is entitled for his services, and the auditor, upon the receipt of this certificate, is authorized to issue a warrant upon the county treasurer, without waiting for the board of supervisors to audit the claim. The compensation of grand and petit jurors is two dollars and a half a day, for the time actually employed, and ten cents a mile for the

necessary distance traveled in going to the place of meeting. Witnesses are paid one dollar and twenty-five cents a day, and the same mileage as jurors, for attendance upon sessions of the district court.

**Reports.** The testimony given by witnesses in district courts is usually taken in shorthand by reporters appointed for that purpose. Each reporter is allowed compensation not to exceed six dollars a day for the time actually spent in attendance upon court. He is also allowed six cents for every one hundred words used in making transcripts of the testimony taken in court.

### QUESTIONS AND SUGGESTIONS

1. Distinguish between supreme, district, superior and justice of the peace courts. Give the composition of each.

2. In which of these courts do we have a trial by jury?

3. Explain fully the difference between the petit and grand juries. Which is the trial jury?

4. How are petit jurors selected? Grand jurors?

5. May we have women serve on juries? Who are exempt from jury service?

6. What is an indictment? Secure a copy of one from the county attorney.

7. Who is the chief justice of the Iowa Supreme Court? Who are your district judges? Why are judges now elected on a non-partisan ballot?

8. Visit a session of the district court at the county seat. What officers may you expect to find there?

9. The following steps are required in a criminal case in the district court: (a) Complaint, (b) warrant, (c) return, (d) subpoena, (e) examination of witnesses, (f) bond to appear for trial, (g) sending proceedings to county attorney, (h) indictment, (i) verdict of grand jury on

indictment, (j) challenging jurors, (k) arraignment, (l) plea, (m) testimony, (n) arguments, (o) charge to jury, (p) verdict, (q) sentence. The first four steps are taken in the lower court. Secure legal forms for as many of the above steps as require them. Study these in class, and if practicable organize the class for a "mock trial."

10. Why should there be so many steps in convicting a criminal? Is it better to "let ten guilty persons go free than to punish one innocent person"? Do you think that a speedy and certain conviction discourages evil doers, or do you think they do not give this a thought when they commit crime?

## CHAPTER VI

### STATE INSTITUTIONS\*

**Soldiers' Home.** The Twenty-first General Assembly provided for the establishment of a soldiers' home, and a committee, appointed by the governor, located it at Marshalltown, Marshall county. The object of this institution is to provide a home and subsistence for all honorably discharged soldiers, sailors and marines who have served in the army or navy of the United States, and who are disabled by disease, wounds or in any other way. Applicants must have served in an Iowa regiment, or been residents of the state of Iowa for three years previous to the time of making application for admission.

**Soldiers' Orphans' Home.** To Mrs. Annie Wittenmeyer belongs the credit of securing a home for the soldiers' orphans of Iowa. In October, 1863, a convention was called to meet at Muscatine for the purpose of devising some means for the support and education of these children. An association was formed and plans were perfected for soliciting contributions. A building at Lawrence, Van Buren county, was leased, and opened in July, 1864. The home was sustained by contributions until 1866, when the state assumed control of it. Destitute

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\*Since the educational system of the state is a unit, it was thought best to place all educational matter in the chapter on the school system (Chapter VII, Part I). Therefore the state educational institutions are discussed in that chapter.

children, not soldiers' orphans, may be admitted to this school in a manner prescribed by law.

**Hospitals for the Insane.** The first hospital for the insane, in Iowa, was authorized by the General Assembly in 1855, but it was not ready for use until six years later. It is located at Mt. Pleasant, Henry county. The second, was located at Independence, Buchanan county, in 1868, the third, at Clarinda, Page county, in 1884, and the fourth at Cherokee, Cherokee county, was opened for occupancy in the summer of 1902.

The board and other expenses of the insane, are paid from the receipts of a tax levied for this purpose, by the supervisors of the respective counties.

In each county, there is a board of commissioners of insanity consisting of the clerk of the district court, and two others, who are appointed by the judge of the district court, one of whom must be a practicing lawyer, and the other a practicing physician. All applications for the admission of insane persons to the hospitals must be made to these commissioners. After the person supposed to be insane is examined in the manner prescribed by law, the commissioners decide whether or not he shall be sent to the hospital.

**State Hospital for Inebriates.** In 1904, the legislature passed a law which declares, "The industrial home for the adult blind at Knoxville shall hereafter be called the State Hospital for Inebriates, and shall be used for the detention, care, and treatment of all male dipsomaniacs, inebriates, and persons addicted to the excessive use of morphine, cocaine or other narcotic drugs." The management is in the hands of the state board of control.

**Tuberculosis Sanitarium.** The state makes every possible effort to safeguard public health. One of its latest achievements for this purpose is the establishment of a

tuberculosis sanitarium at Oakdale, near Iowa City. Here consumptives or tuberculosis patients live in a colony and are given the outdoor treatment under the direction of skilful specialists.

**Iowa Industrial Schools.** The first school of this kind in Iowa was established in Lee county, in March, 1868, and in October of the same year, the first inmate was received. In 1873, the school was removed to Eldora, Hardin county, and some time after, 1880, a law was passed removing the girls to a separate school at Mitchellville, Polk county.

These schools are intended for the reformation of such boys and girls under eighteen years of age as may be committed to them. Any person under eighteen years of age, who is found to be guilty of any crime except murder, may be sent to these schools upon the order of the judge of the court in which he was convicted.

Instruction is given in ethics, and in such of the common school branches as the board of control prescribes. Each pupil is required to perform a certain amount of labor, which is varied according to his age, strength and special ability. With the consent of the parents or guardians, pupils may be bound out to service until the time of their majority.

**Penitentiary.** The first steps towards establishing a penitentiary were taken by the territorial legislature in 1839. This institution is located at Fort Madison, and within it are confined those criminals whose offenses are punishable by imprisonment in a state penitentiary.

**Reformatory.** A second penitentiary, which is conducted on the plan of a reformatory, is located at Anamosa. This institution was opened in 1873. It has a ward for insane convicts, and another for women convicts. It is also used by the United States government for Federal



prisoners. The discipline of the reformatory is strict, but kind. The convicts are taught trades, and no effort is spared to lead them to become self-respecting and useful citizens when the term for which they were sentenced has expired.

The Thirty-sixth General Assembly (1915) made provision for the employment of convicts in each penitentiary outside of the prison walls, in the belief that this method will be more conducive to their reformation.

*Government.* Each institution is under the control of a warden, who is subject to the governor of the state. The wardens are elected by joint ballot of the General Assembly, and hold their offices two years. They are responsible for the government and discipline of the inmates of the prisons, and the receipts and disbursements of all moneys belonging to the institutions. The warden of each penitentiary is obliged to give bonds to the amount of \$50,000, for the faithful performance of his duties. He is obliged to report, once a month, a complete statement of all official acts performed by him, since his last report, with a full account of the receipts and expenditures of the prison under his control. The other officers are the deputy warden, the chaplain, the physician and the guards.

*Good Time Law.* Every prisoner sentenced to either of the penitentiaries for a term of years, or less, who does not violate the rules of discipline, is entitled to a reduction of his term of service. The new good time law went into effect July 4, 1890, by the terms of which prisoners are entitled to a reduction of one month for good behavior during the first year of sentence, two months for the second year, three for the third, four for the fourth, five for the fifth, and six months for each subsequent year of sentence. A proportional reduction is made for fractional parts of a year's sentence, and any prisoner who does not

violate the discipline of the prison during his term of service is entitled to a restoration of his rights of citizenship. This restoration is granted by the governor, upon the certificate of the warden, that the person released did not violate any of the rules of the prison during his term of service.

*Indeterminate Sentences.* A great advance has been made in recent years in dealing with criminals. Reformation is considered of more importance than mere punishment for crime. Iowa judges are now permitted to impose indeterminate sentences upon persons convicted of infamous crimes, the term of service depending upon the behavior of the convict.

#### QUESTIONS AND SUGGESTIONS

1. What higher educational institutions are supported by the State of Iowa? What is the specific object of each? Where is each located? Find out the name of the president of each.

2. Why does the state, rather than each local community, provide schools for defective children? How many such institutions are there in Iowa? Which are for physically defective children? Mentally defective children? Morally defective? Should the object of the industrial schools be to punish or to reform?

3. Where is the Soldiers' Orphans' Home located? Tell something of its history. Do you think the charity of the state should be limited to the orphans of soldiers, or do you think the state ought to make a similar provision for all orphans?

4. What qualifications are necessary to become an inmate of the Soldiers' Home? Where is it located? Is establishing a home for old soldiers to the exclusion of

other old people class legislation? See Section 6, Article I of the constitution, and explain whether this law is unconstitutional.

5. Where are the hospitals for the insane located? Who decides whether a person should be sent to one of these hospitals?

6. Where are the penitentiaries located? Does fear of being sent to one of these institutions prevent most people from wrong doing? What is the purpose of the indeterminate sentence? Should the state retain an interest in the prisoner after he is discharged? Why should prisoners be kept at regular work? What are the advantages of having large gangs of prisoners make permanent state roads? Why are modern prisons well ventilated, well lighted and strictly sanitary? Do prisoners respond to confidence and humane treatment?

7. Where is the Tuberculosis Sanitarium located? What is the modern theory in the treatment of tubercular patients? In what ways may every citizen cooperate with the state in safeguarding public health?

## CHAPTER VII

### MISCELLANEOUS MATTERS

#### MILITIA

**Iowa National Guards.** All able-bodied male citizens of the state, between the ages of 18 and 45 years, except such as have served in the United States service and been honorably discharged, compose the militia. The General Assembly has at different times passed such laws for arming, equipping and training the militia, as have been necessary to comply with the regulations adopted by Congress. At present, an annual appropriation of \$50,200 is made to cover these expenses. All commissioned officers are elected by those subject to military duty, and commissioned by the governor.

*Organization.* The governor is commander-in-chief of the militia, and may call it out at any time when the public safety requires. His powers are limited to this state only, and he cannot send a member out of the state against his will. Practically, the militia is unorganized, only a small portion being trained and equipped for duty. There are but two brigades of volunteers, numbering in all about 2,300 men, known as the "Iowa National Guards."

The Thirty-sixth General Assembly (1915) made provision for the reorganization of the Iowa National Guards to conform with the wishes of the Department of War of the United States government, that each state provide a well-balanced fighting unit.



AGRICULTURAL HALL



CENTRAL BUILDING  
IOWA STATE COLLEGE



LIBRARY



NORTHEAST QUADRANGLE  
IOWA STATE TEACHERS COLLEGE



## STATE DEBTS

**Prohibition.** Article VII provides that the credit of the state cannot, in any manner, be given, or loaned, to any individual, association or corporation, and the debts of individuals, associations or corporations, cannot be assumed by the state, unless they were incurred for the benefit of the state in time of war.

*Limit of Debt.* The state may contract debts not to exceed \$250,000 to supply deficits in revenue, or to meet expenses not otherwise provided for. Money borrowed on the credit of the state must be used for no other purpose than that for which it was obtained.

*Losses.* All losses to the permanent school or university fund which have been caused by defalcation or mismanagement, are audited by the proper authorities and form a permanent funded debt against the state for the benefit of the fund that has sustained the loss. Indebtedness created in this way does not form a part of that to which reference is made in the preceding paragraph.

*Special Debts.* Certain other debts may be authorized by special act of the General Assembly, but no law of this kind can take effect until it has been ratified by a majority vote of the people at a general election. After such a law has been approved by the people, the General Assembly may repeal it, provided no debt has been created in the meantime, for the purpose of which the law was passed. Every law that imposes, continues or revives a tax must state the object to which the tax is to be applied. Provisions for the regulation of state indebtedness are made in Article VII of the constitution.

## CORPORATIONS

**Restrictions.** A corporation is an association of persons for the transaction of business under one firm name,

or as a single person. Such associations are usually governed by a charter, the provisions of which define their powers and limit their responsibilities. This section provides that no corporation can be formed by special law, but the General Assembly may by general enactment, provide for the organization of various corporations. The state cannot become a stockholder of any organization of this character, and no liabilities can be assumed by the state, unless they were contracted in time of war. The property of all corporations for pecuniary use is subject to taxation the same as that of private citizens.

**Banking.** It is expressly provided that no political or municipal corporation can in any way become a stockholder in any banking corporation, and no association of persons with banking powers can be formed until the law authorizing its establishment has been ratified by a majority vote of the people at an election held at least three months after its enactment. The remainder of the section is devoted to the discussion of certain provisions relating to banks and banking corporations. Read Article VIII of the constitution.

#### AMENDMENTS

**Manner of Amending.** It is evident that no constitution can be prepared to meet the wants of all future times and generations. The best governments are imperfect, and require alterations from time to time. All constitutions provide for their own amendment, but the process differs in different states. The process of amending the constitution of Iowa is quite lengthy, but it insures the people against hasty action. An amendment may be proposed in either house of the General Assembly, and, if a majority of all the members of each house favor it, it is entered upon both journals with the yeas and nays, and referred



to the next General Assembly at its regular session. The amendment, as adopted by the first General Assembly to which it was submitted, is published in the papers designated by law, for three months previous to the election of members of the next General Assembly. If ratified by a majority of the second General Assembly, the proposition is then referred to the electors of the state, and if a majority of the votes cast are in favor of it, it becomes a part of the constitution. See Article X.

**Amendments Adopted.** The first amendment extended the right of suffrage by striking the word "white" from articles II, III and VI of the constitution. The second, or prohibitory amendment, was ratified by the people at a special election on the 27th of June, 1882, but it was declared unconstitutional by the supreme court. In November, 1884, four amendments were ratified by the people. The first changed the time of holding all general elections to the Tuesday next after the first Monday in November. The second gave the General Assembly power to change the organization of the state for district court purposes. The third provided for abolishing the grand jury, or changing the number of members of that body to not less than five, nor more than fifteen, according to the decision of the General Assembly. The fourth amended section *thirteen* of Article V of the constitution, so as to abolish the office of district attorney and provide for the election of a county attorney in each county.

#### OTHER CONSTITUTIONAL PROVISIONS

Article XI contains a number of unrelated provisions, all of which have for their purpose the safeguarding of the general welfare of the people. The most important of them are the following:

**Justices of the Peace.** Section *one* provides that the jurisdiction of justices of the peace shall extend to all civil cases (except chancery cases and real estate titles), where the amount does not exceed \$100. By the consent of both parties, the jurisdiction may be extended to any amount not exceeding \$300.

**New Counties.** The *second* section declares that no new county containing less than 432 square miles, can be created. The territory of any organized county cannot be reduced below that size. Provision is made for the organization of Worth and other counties lying to the west of it along the northern boundary of the state, without additional territory.

**Limit of Indebtedness.** Section *three* provides that no county, or other political or municipal corporation, can become indebted in any manner, or for any purpose, to exceed the amount of five per cent of the value of its taxable property. The value of the property of the county or other corporation is determined by the last state and county tax-lists previous to the time the debt was incurred.

**Area.** Section *four* provides that the boundaries of the state may be enlarged, with the consent of Congress and the General Assembly.

**Oath of Office.** Section *five* is as follows: "Every person, elected or appointed to any office, shall, before entering upon the discharge of the duties thereof, take an oath or affirmation to support the Constitution of the United States, and of this state, and also an oath of office." The form of the oath is given elsewhere. The *sixth* section provides that persons elected to fill vacancies in office shall serve for the remainder of the unexpired term only, and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

**Capital, etc.** The *seventh* section prohibits the General Assembly from locating any of the public lands which have been, or may be granted by Congress to this state, upon lands actually settled, without the consent of the occupant. The last section establishes the seat of government permanently at Des Moines, in the county of Polk, and the state university at Iowa City, in Johnson county.

#### ORGANIZING THE GOVERNMENT

Article XII contains the provisions necessary for organizing the government under this constitution. While all these provisions were made effective years ago, it is of interest to know how our state government was put in operation. The following provisions in this article will be found worthy of consideration:

**Supreme Law.** The constitution is declared to be the supreme law of the state, and any law inconsistent with it shall be void. The General Assembly was authorized to pass all laws necessary to carry the constitution into effect. All laws that were in force at the time the constitution was adopted, and not inconsistent with it, were to remain in force until they expired or were repealed.

All proceedings of any character pending in the courts at the time the constitution was adopted, were to be prosecuted to final judgment and execution, and all offenses, misdemeanors, and crimes that were committed before the adoption of the constitution were to be subject to indictment, trial and punishment in the same manner as they would have been, if the constitution had not been adopted.

**Fines and Forfeitures.** All fines, penalties or forfeitures due, or to become due, to the state, or to any county, or to the school fund, were reserved to the fund for

which they were intended, in the manner prescribed by law. All bonds executed to the state, or to any officer in his official capacity, were to inure to the use of those to whom they were given.

**General Provisions.** Sections *six* to *eleven* inclusive, contain provisions for the election of officers under the new constitution, and for the continuance in office of those chosen prior to its adoption. Section *twelve* authorized the General Assembly to divide the state into eleven judicial districts, for district court purposes, and also to provide for the apportionment of members of the General Assembly in accordance with the provisions of the new constitution.

**Adoption of Constitution.** Section *thirteen* prescribes the plan to be pursued by the people in voting for or against the adoption of the new constitution. The last clause of the section is, "And if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation."

The *fourteenth* section provides for submitting to the people at the same election that the constitution is submitted, a proposition to amend the same by striking out the word "white" from the article on the right of suffrage.

The election was held August 3, 1857, and a majority of the votes cast was found to be in favor of the adoption of the constitution. The proposed amendment was defeated at this time, but, as stated in another place, it was adopted in 1868. The last section made the county of Mills a part of the sixth judicial district, until otherwise directed by law.

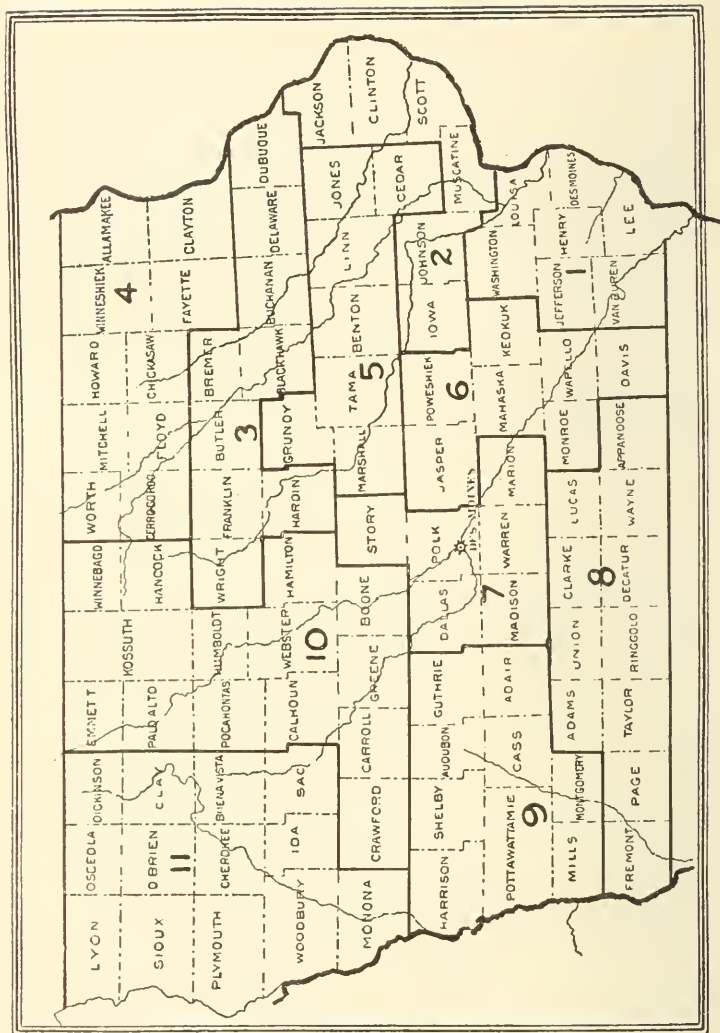
## DISTRICT GOVERNMENT

**Congressional Districts.** For convenience, the state is separated into districts for various purposes. Representatives in the lower house of Congress are apportioned among the several states according to their population, and Iowa now has eleven members in that house. The state is separated into eleven congressional districts, and the ratio of representation is one representative for 212,407 persons in the United States, as determined by the last census.

**Senatorial Districts.** The state is separated into 50 senatorial districts, and each district elects one member of the state senate. There is at present no fixed ratio of representation for senatorial districts, but the intention is to form the districts so that each senator shall represent about twice as many inhabitants as a state representative does.

**Representative Districts.** There are 99 representative districts, and as these districts choose 108 representatives, some of the districts must choose more than one member. There are nine districts that choose two members each. They are Wapello, Black Hawk, Pottawattamie, Polk, Scott, Clinton, Linn, Woodbury, and Dubuque counties. The ratio of representation is one representative for every 22,472 inhabitants or fraction thereof more than one-half. Any county having one and three-fifths times the ratio of representation is entitled to one additional representative.

**Judicial Districts.** There are 21 judicial districts in the state. These districts are formed by act of the General Assembly, and they are subject to change at any time by law. There is no basis of population for determining the size of judicial districts.



IOWA—CONGRESSIONAL DISTRICTS

## TABLE OF DISTRICTS

The accompanying table will be found useful in studying the district organization of the state. In the proper columns, after each county name, will be found the number of each kind of district to which that county belongs.

## COUNTIES OF IOWA

NAME	COUNTY SEAT	CONG. DIST.	SEN. DIST.	REP. DIST.	JUD. DIST.
Adair .....	Greenfield .....	9	16	29	5
Adams .....	Corning .....	8	6	13	3
Allamakee ....	Waukon .....	4	40	90	13
Appanoose ....	Centerville .....	8	3	4	2
Audubon .....	Audubon .....	9	17	34	15
Benton .....	Vinton .....	5	45	49	17
Black Hawk...	Waterloo .....	3	38	66	10
Boone .....	Boone .....	10	31	53	11
Bremer .....	Waverly .....	3	39	72	12
Buchanan .....	Independence .....	3	33	67	10
Buena Vista ..	Storm Lake .....	11	50	78	14
Butler .....	Allison .....	3	39	73	12
Calhoun .....	Rockwell City .....	10	27	61	16
Carroll .....	Carroll .....	10	48	55	16
Cass .....	Atlantic .....	9	18	30	15
Cedar .....	Tipton .....	5	24	44	18
Cerro Gordo ..	Mason City.....	4	43	87	12
Cherokee .....	Cherokee .....	11	46	79	21
Chickasaw ....	New Hampton .....	4	44	89	13
Clarke .....	Osceola .....	8	11	15	3
Clay .....	Spencer .....	11	47	83	14
Clayton .....	Elkader .....	4	36	70	13
Clinton .....	Clinton .....	2	22	45	7
Crawford .....	Denison .....	10	34	56	16
Dallas .....	Adel .....	7	17	36	5
Davis .....	Bloomfield .....	6	3	3	2
Decatur .....	Leon .....	8	5	6	3
Delaware .....	Manchester .....	3	33	68	10

NAME	COUNTY SEAT	CONG. DIST.	SEN. DIST.	REP. DIST.	JUD. DIST.
Des Moines ...	Burlington .....	1	9	21	20
Dickinson .....	Spirit Lake .....	11	47	97	14
Dubuque .....	Dubuque .....	3	35	69	19
Emmet .....	Estherville .....	10	47	96	14
Fayette .....	West Union .....	4	40	71	13
Floyd .....	Charles City .....	4	44	88	12
Franklin .....	Hampton .....	3	43	74	11
Fremont .....	Sidney .....	8	7	10	15
Greene .....	Jefferson .....	10	48	54	16
Grundy .....	Grundy Center .....	5	38	65	10
Guthrie .....	Guthrie Center .....	9	17	35	5
Hamilton .....	Webster City .....	10	37	63	11
Hancock .....	Garner .....	10	43	86	12
Hardin .....	Eldora .....	3	37	64	11
Harrison .....	Logan .....	9	34	32	15
Henry .....	Mt. Pleasant .....	1	10	20	20
Howard .....	Cresco .....	4	42	92	13
Humboldt .....	Dakotah .....	10	50	76	14
Ida .....	Ida Grove .....	11	46	59	16
Iowa .....	Marengo .....	2	25	40	8
Jackson .....	Maquoketa .....	2	23	46	7
Jasper .....	Newton .....	6	29	38	6
Jefferson .....	Fairfield .....	1	2	19	2
Johnson .....	Iowa City .....	2	25	41	8
Jones .....	Anamosa .....	5	24	47	18
Keokuk .....	Sigourney .....	6	12	24	6
Kossuth .....	Algona .....	10	47	85	14
Lee .....	Ft. Madison .....	1	1	1	1
Linn .....	Marion .....	5	26	48	18
Louisa .....	Wapello .....	1	20	22	20
Lucas .....	Chariton .....	8	4	16	2
Lyon .....	Rock Rapids .....	11	49	99	21
Madison .....	Winterset .....	7	16	28	5
Mahaska .....	Oskaloosa .....	6	14	25	6
Marion .....	Knoxville .....	7	15	26	5
Marshall .....	Marshalltown .....	5	28	51	17
Mills .....	Glenwood .....	9	8	11	15
Mitchell .....	Osage .....	4	41	93	12



NAME	COUNTY SEAT	CONG. DIST.	SEN. DIST.	REP. DIST.	JUD. DIST.
Monona .....	Onawa .....	11	34	57	4
Monroe .....	Albia .....	6	15	17	2
Montgomery ..	Red Oak .....	9	8	12	15
Muscatine ....	Muscatine .....	2	20	42	7
O'Brien .....	Primghar .....	11	49	82	21
Osceola .....	Sibley .....	11	49	98	21
Page .....	Clarinda .....	8	7	9	15
Palo Alto .....	Emmetsburg .....	10	47	84	14
Plymouth .....	Le Mars .....	11	46	80	21
Pocahontas ...	Pocahontas .....	10	50	77	14
Polk .....	Des Moines .....	7	30	37	9
Pottawattamie .	Council Bluffs .....	9	19	31	15
Poweshiek ....	Montezuma .....	6	12	39	6
Ringgold .....	Mt. Ayr .....	8	5	7	3
Sac .....	Sac City .....	11	48	60	16
Scott .....	Davenport .....	2	21	43	7
Shelby .....	Harlan .....	9	18	33	15
Sioux .....	Orange City .....	11	49	81	21
Story .....	Nevada .....	7	31	52	11
Tama .....	Toledo .....	5	45	50	17
Taylor .....	Bedford .....	8	6	8	3
Union .....	Creston .....	8	5	14	3
Van Buren ....	Keosauqua .....	1	2	2	2
Wapello .....	Ottumwa .....	6	13	18	2
Warren .....	Indianola .....	7	11	27	5
Washington ...	Washington .....	1	10	23	6
Wayne .....	Corydon .....	8	4	5	3
Webster .....	Fort Dodge .....	10	27	62	11
Winnebago ...	Forest City .....	10	41	95	12
Winneshiek ...	Decorah .....	4	42	91	13
Woodbury ....	Sioux City .....	11	32	58	4
Worth .....	Northwood .....	4	41	94	12
Wright .....	Clarion .....	3	37	75	11

## QUESTIONS AND SUGGESTIONS

1. Who is commander-in-chief of the militia? How does the militia differ from the National Guards? May the militia be called upon to assist a constable or sheriff in maintaining order?

2. Can the General Assembly of Iowa pass a law guaranteeing bank deposits, that is, agree to pay depositors the full amount of their deposits in case of a bank failure?

3. To what extent may the state contract debts? What special exceptions are there to this limit?

4. May the state become a partner in a mining corporation? Why should not the state be permitted to engage in business in competition with private corporations?

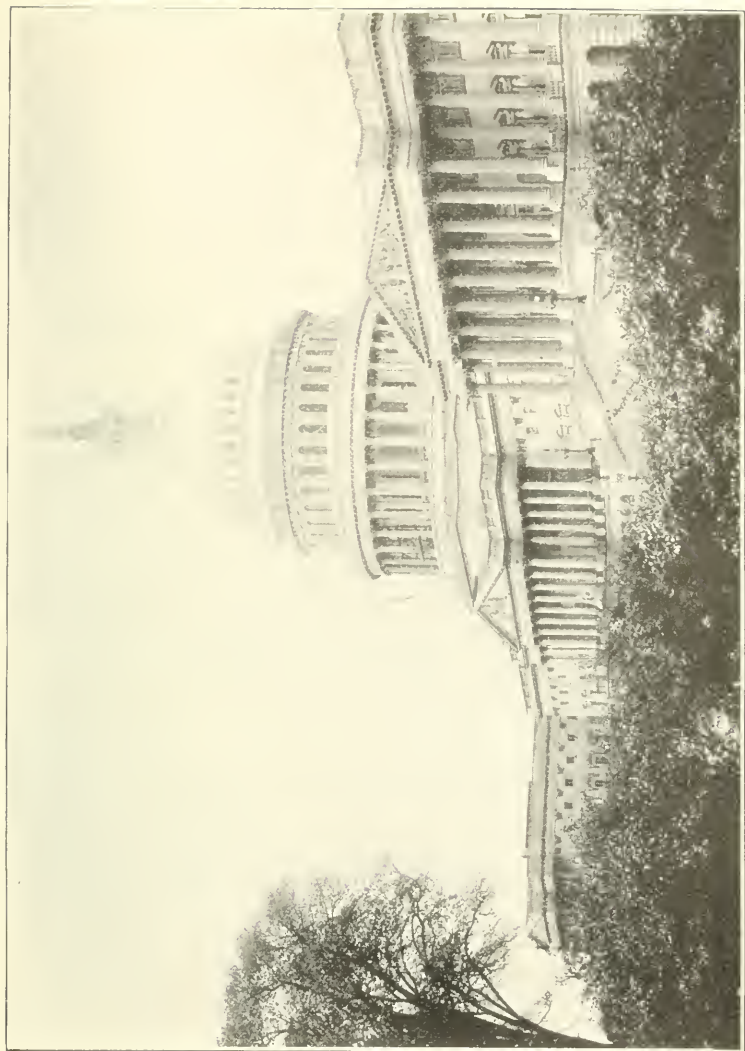
5. What is a corporation? Suppose a corporation is criminally negligent and causes the death of an employee. how would it be punished? Do you think the officers ought to be imprisoned? Why?

6. What is the permanent school fund? How are losses in this fund made up?

7. How may the constitution be amended? Should amendment be made easy or difficult?

8. Into what kinds of districts is Iowa separated? Are all of these districts for the purpose of *state* government? or are some for the purpose of national government? Distinguish between congressional and representative districts.

9. What effect did the adoption of the constitution have on laws that were in effect previous to its adoption?



THE UNITED STATES CAPITOL, WASHINGTON, D. C.



## PART III

### THE NATION

#### CHAPTER I

##### FORMS OF GOVERNMENT

**Origin of Government.** The family was the first unit of government. The father was the head of the family and in early times had absolute authority over all the members of his household. Sometimes his authority was extended to kindred outside his immediate family. From this beginning it was an easy natural step to patriarchal government.

**Patriarchal Government.** When the sons married they remained in the family, their descendants also remained, and in this way the family became a tribe over which the father ruled. At his death he was succeeded by his eldest son, and the tribe continued for many generations. Illustrations of patriarchal government are found in the early history of the Hebrew nation and in the Scottish clan.

With the progress of civilization patriarchal government was superseded by forms that are still in existence. These are the monarchy, the democracy and the republic.

**Monarchy.** Originally a monarchy was a government ruled over by a single person, who had absolute authority over his subjects. The step from the patriarch to the monarch was natural, and at first the only real difference

between them was that the monarch's rule was not confined to a single tribe, but extended over the entire nation. Two classes of monarchies are recognized, absolute and limited.

*Absolute Monarchy.* An absolute monarchy is one in which the supreme ruler exercises unlimited control. His decrees constitute a good portion of the laws, and the nation must obey his will. Theoretically there are now no absolute monarchies among civilized nations, but practically Turkey and Russia should be considered such, since their constitutions have afforded the subjects of those countries little if any relief.

*Limited Monarchy.* A limited monarchy is one in which the authority of the ruler is restricted by a constitution. Such a monarchy has a national legislature, such as the British Parliament, which controls legislation. The government is divided into departments, each under the immediate direction of an officer in charge. These officers are styled secretaries or ministers. Great Britain, Germany, Austria-Hungary and Japan are examples of a limited monarchy.

The rulers of monarchies take the title of king, queen, emperor, czar and sultan, according to the custom of the country. In practically all monarchies the ruler receives his position by inheritance. But in rare instances a ruler is chosen from the royal family of some other nation.

**Democracy.** A democracy is the simplest form of government by the people. In a pure democracy all the people take part in the government. Such a form of government is impracticable except in small communities. The best example of it is the New England town meeting. This meeting is composed of the legal voters of the township, who meet annually to choose town officers and transact any business necessary for the township.

**Republic.** A republic might be considered a democracy by representation. All the voters of a township may meet

to legislate for their township, but it is impracticable for all the voters of a state or even a county to meet to legislate for these respective units of government. Therefore the citizens of these units choose representatives to enact laws, and to see that the laws are executed. In a republic every voter has a voice in the government if he exercises his right to vote, because through his ballot he expresses his choice for the representatives and other officers to be elected.

The United States and the various states of the Union are the best examples of republics. France and Switzerland and the countries of South America are also republics, and China has adopted a republican form of government.

## CHAPTER II

### ORIGIN OF UNITED STATES GOVERNMENT

#### EARLY ATTEMPTS TO FORM A UNION

1. **New England Colonies.** In 1643 the colonies of Massachusetts Bay, Plymouth, Connecticut and New Haven united under a written constitution for mutual protection against the Indians, the French in Canada and the Dutch settlers in New York. This union continued until 1684, but it was purely local in its influence.

2. **Albany Convention.** In 1754, when the French and Indian War was pending, a convention of delegates from the colonies met in Albany to arrange a treaty with the Six Nations. At this convention Benjamin Franklin presented a plan for the union of all the English colonies. The plan was adopted by the convention, but it was rejected by each of the colonies and by Parliament; by the colonies because they thought it gave the Crown too much power, and by Parliament because that body considered that it conferred too much power on the colonies.

The plan provided for a president-general of all the colonies and a colonial assembly which should have authority to legislate on colonial affairs. Though this plan failed at the time, it formed one of the steps towards the union formed after the breaking out of the Revolutionary War.

3. **Colonial Congress,** also called Stamp-Act Congress. This body met in New York on October 7, 1765. Nine colonies were represented. The Congress sent a petition to



Parliament and an address to the king and passed a declaration of rights and grievances of the colonies.

**4. Continental Congress.** The first Continental Congress met in Philadelphia in 1774. It was only an advisory body, and its work was restricted to recommendations. The second Congress, however, was a revolutionary body and assumed such powers as were necessary to enable the colonies to carry on the war with England. This Congress was in almost continual session until 1783.

**5. Declaration of Independence.** The Declaration of Independence passed by Congress, July 4, 1776, was an epoch-making instrument. It changed the relation of the colonies to the Mother Country and placed them in such a position that union was necessary to their political existence.

**6. Articles of Confederation.** Previous to the Revolutionary War there were three forms of colonial government in America, known respectively as the charter, the royal and the proprietary. Colonies under the first form were governed under a charter which had been granted by the home government, and served every purpose of a constitution for the colony to which it was granted. After the passage of the Declaration of Independence these charters with slight modification became the constitutions of their respective states.

Colonies under a royal government had no charter and were more directly under the authority of the royal governor who was appointed by the Crown. There was always more or less friction between these governors and the colonists.

Proprietary colonies, like Pennsylvania, were governed by the proprietor, who, however, was subject to the king, and was restricted in the exercise of his authority by the provisions in the grant of territory in which the colony was founded.

At the breaking out of the war, there was no colonial system, nor any body of laws which could be applied uniformly to all the states. Some sort of national constitution was necessary.

in the courts? What effect did it have on crimes committed before its adoption? Debts? Contracts? Why were these provisions made? (See the first paragraph, Section 10, Article I of the United States Constitution before you answer the last question.)

10. Trace the steps necessary for the adoption of the constitution.

Recognizing this deficiency, Congress appointed a committee to draft a constitution of the United States on the same day that they appointed a committee to draft the Declaration of Independence. This committee completed its work in 1777.

The constitution which they presented is known as the Articles of Confederation. It contained a provision that it should not become effective until it was accepted by twelve states, and it was not until 1781 that the Articles became the law of the land.

The adoption of this constitution was a very important step in the formation of the Union; it was also the first movement of this sort on so large a scale in the history of the world.

*Defects.* In considering the Articles of Confederation we must remember that the experiences of the colonists had been such as to cause them to fear a strong central government because the defects in our first national constitution were due almost entirely to this fear.

There was no provision for a president. Congress consisted of only one house and each state had but one vote whatever its number of delegates. The powers of Congress were restricted almost wholly to recommendations,

the final authority of acting upon these recommendations resting with the separate states. Congress could recommend taxes, but could not levy them, it could recommend that each state raise a certain number of troops for the Federal army, but could not compel the state to do so. In the language of Judge Story,

“Congress could declare everything, but could do nothing.”

#### CONSTITUTIONAL CONVENTION

**Critical Period.** The years immediately following the Revolutionary War have been appropriately named “The Critical Period of American History.” No sooner was independence achieved than each state began to place its own interests before those of the nation. State jealousies rapidly developed and there was great danger that the new nation would be destroyed by internal dissensions. Washington, Madison, Hamilton and other leading statesmen had long recognized the necessity for a stronger central government, but commercial conditions exerted an equal, if not greater, influence in bringing about a movement for the revision of the Articles of Confederation.

**Annapolis Convention.** In 1786 a convention met in Annapolis to consider the commercial interests of the United States. Only five states were represented and nothing was accomplished. However, before adjournment the convention recommended that commissions be appointed by the various states to meet in convention in Philadelphia on the second Monday in May, 1787, for the purpose of revising the Articles of Confederation.

**Philadelphia Convention.** In February, 1787, Congress passed a resolution urging the states to send delegates to the Philadelphia convention, for the sole purpose of revising the Articles of Confederation. The delegates were

appointed, but owing to the difficulties of travel only a small number had reached Philadelphia on the date named for opening the convention, and the organization was not perfected until May 25. All states except Rhode Island were represented. George Washington was chosen president and William Jackson secretary. The convention voted to sit with closed doors, and all its records were kept secret. Fortunately James Madison took full shorthand notes of the proceedings and these were published years afterwards as the *Madison Papers*.

Because of the large proportion of eminent men among the members and the far-reaching influence of the work accomplished, this convention will always rank as one of the foremost assemblies of the world. The delegates were only authorized to revise the Articles of Confederation, but they soon found that no revision would make the Articles adequate to the needs of the country; therefore they began anew, and the result of their deliberations, which lasted four months, was the Constitution of the United States as it now stands, without amendments.

The work was so satisfactory that only three members, Edmund Randolph, George Mason and Elbridge Gerry, refused to sign the Constitution.

"Whilst the last members were signing, Doctor Franklin, looking towards the president's chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art, a rising from a setting sun. 'I have,' said he, 'often and often, in the course of the session, and the vicissitudes of my hopes and fears as to its issue, looked at that behind the president, without being able to tell whether it was rising or setting, but now at length, I have the happiness to know, that it is a rising and not a setting sun.' "

## QUESTIONS AND SUGGESTIONS

1. Did the Indians have any form of government when they were first known to white men?
2. Classify the government of each of the following nations: Great Britain, Germany, Russia, China, Brazil.
3. What European countries have a republican form of government?
4. Why are the years immediately following the close of the Revolutionary War known as the "Critical Period of American History"?
5. Is the plan of union presented by Franklin at the Albany Convention now in use in any country?
6. Show how the adoption of the Articles of Confederation was an important step towards the formation of the Federal Union.
7. Could these Articles have been adopted if they had provided for a stronger central government?
8. Why was the Constitutional Convention one of the most important political bodies in the world?

## CHAPTER III

### PREAMBLE

*We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.*

**Purpose.** The preamble of the Constitution is the keynote of popular government. It contains, in few words, a summary of the reasons for the formation of our government, and in it, there is a clear, definite statement of the needs of the nation at the time of its adoption, as well as ample provision for future ages.

*More Perfect Union.* The greatest need of the hour was that a more perfect union of the states might be formed. "We are one to-day and thirteen to-morrow" was a common assertion, and all thoughtful men realized the truth of the statement. Under the Articles of Confederation, the weakness of the government was due almost entirely to the lack of union among the states. It is no wonder, therefore, that the first reason given in the preamble is, "in order to form a more perfect union."

*Justice.* To establish justice among the states was also an urgent necessity. Petty jealousies had arisen among them, and each one seemed to fear that its rights were abridged by the others. As there was no judicial branch of the general government, there was no legal way of set-

ting these disputes, and the condition in some cases was truly deplorable.

*Domestic Tranquillity.* During the few years that the Articles of Confederation formed the basis of our government, the states were in constant trouble with their neighbors. Each state also had as much to fear from dangers within its own borders as it had from outside foes. The necessity for "domestic tranquillity" was very urgent, and as nearly all the trouble among the states had arisen from their trade relations, congress, by the new plan, was very wisely given the power to regulate commerce. In order that peace might be insured to the states, the general government has the power to put down insurrections in any of the states.

*Common Defense.* The states had learned from the war through which they had just passed, that their success depended upon their united action. The United States could do more to provide for the common defense than could possibly be accomplished by the states themselves each acting separately. The right to make all necessary provisions for supporting an army and navy is given to the general government.

*General Welfare.* To promote the general welfare of all the states and of all the people is an important function of popular government. This work is carried on in many ways, and it is no idle boast to say that no other government has ever done so much to benefit all classes of society as has our own. The large grants of lands and money given by Congress to foster education, especially of late years, the improvements of rivers and harbors, the excellent postal service, and the improved civil service, are but a few of the many ways in which the general welfare of the people is promoted.

*Perpetuity.* The last clause of the preamble is a fitting

climax. The members of the Constitutional Convention realized the importance of the work they had undertaken, and it was their deliberate purpose to found a government for posterity. How well their work was done, the nineteenth century can fully attest.



## CHAPTER IV

### ARTICLE I

#### THE LEGISLATIVE BRANCH

##### SECTION I. CONGRESS

*All legislative powers herein granted, shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.*

**Branches of Government.** The plan for the formation of a general government with three branches, which should be as nearly independent of one another as possible, doubtless originated with Washington. The three branches of government established by the constitution are the legislative, the executive and the judicial. These are often called the law-making, the law-enforcing and the law-interpreting powers of the government.

*Legislative Branch.* The legislative branch is properly placed first in the constitution, because it is the foundation for the workings of the other two branches. The legislative branch is given more space in the Constitution than both of the other branches on account of its importance, and also because of a desire on the part of members of the convention to be very explicit in outlining the work of this branch.

*Difficulties of Organization.* Congress under the Confederation, consisted of but one house, and there was a strong effort made to organize the new Congress in the same way. It was decided early in the convention, that membership

in congress should, in a measure at least, be determined by the population of the several states, and the smaller states felt that they would, in this way, be deprived of all power in the government. They preferred to remain out of the Union, as they had a perfect right to do, rather than to become part of a government which would be practically controlled by a few of the large states.

*Representation.* Parliament, the legislative branch of the English government, was taken by the small states as a model, because it consists of two houses, and a compromise was finally made by which the representation in the upper house was made the same for each of the states. As a concession to the larger states, the smaller states agreed to representation in the lower house to be based upon population.

## SECTION II. HOUSE OF REPRESENTATIVES

### *Clause 1.—Composition and Term*

*The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.*

**House.** The house of representatives is so called because its members are chosen to represent the people. The first congress under the Constitution assembled on the first Wednesday in March—which chanced to be the fourth day of the month—in the year 1789. Each congress is numbered in order from the first one, and the number is changed March 4th of each odd-numbered year. The term of members of the Sixty-fourth Congress began March 4, 1915.

*Election of Members.* The election of members of the

house of representatives occurs on the Tuesday next after the first Monday in November of each even-numbered year. Representatives to congress are elected for two years and there is no restriction as to their re-election. Any member can serve as many terms as he can secure re-elections.

*Qualifications of Electors.* The same qualifications are required for electors for representatives in congress as are required for electors for the most numerous branch of the state legislature. In other words, anyone who can vote for representatives in his state legislature can vote for representatives in congress. Since each state determines the qualifications of its voters, these qualifications vary in different states. See Part II, page 98.

#### *Clause 2.—Qualifications*

*No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he is chosen.*

**Citizenship.** The question of citizenship was, for many years, a troublesome one in this country, and it was not definitely settled until the adoption of the fourteenth amendment to the United States Constitution. The qualifications required of representatives are certainly not too high.

**Age.** By the clause of the Constitution quoted above, it will be seen that the earliest age at which a native-born citizen may become a representative in congress is twenty-five years, and as this is only four years after the person has acquired the right to vote, the minimum age is generally considered low enough.

**Aliens.** An alien, by the usual process, must reside in this country five years before he can be naturalized.

This period, together with the seven years' residence required by the Constitution, makes it necessary for an alien to have resided in the United States at least twelve years before he can become a member of the house of representatives in congress.

**Residence.** It is required that members of congress shall, at the time of their election at least, be inhabitants of the states from which they are chosen. For convenience, as well as for the purpose of carrying out the idea of close representation, each state that is entitled to more than one representative, is separated into congressional districts, and each district chooses its own representative.

**Congressional Districts.** Congressional districts are formed by the legislature of each state in such a way as to make them as nearly equal in population as possible. These districts are designated by number, and their boundaries are subject to change every ten years. Residence in the congressional district he is chosen to represent is not a constitutional requirement, although only a very few representatives have ever been chosen to represent districts in which they did not reside. The qualification of residence applies only to the time of election, but it would seem eminently proper for a representative who has removed from the state in which he was chosen, to resign at the time of his removal.

### *Clause 3.—Apportionment*

The parts of this clause enclosed in parentheses are now obsolete.

*Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, (which shall be determined by adding to the whole number of free persons, including those bound to service for a number of years, and)*

*excluding Indians not taxed, (three-fifths of all other persons). The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative, (and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three).*

**Representatives—Direct Taxes.** One of the most difficult things for the members of the Constitutional Convention to agree upon was the basis of representation in both houses of congress. After much discussion, it was decided to apportion representatives and direct taxes among the states according to population. See sixteenth amendment, page 302.

*Census.* No formal counting of the people of the United States had ever been made, and the assignment of members of the first congress to the different states was purely arbitrary. The convention had agreed upon forty thousand inhabitants as the basis, or ratio, of representation, but Washington, in about the only address he made to the convention, urged that the number be changed to thirty thousand. The change was made at once.

The primary object of the census is to show the number of people in the United States, but in addition to this, very many important facts concerning the nationality, education, occupations and general prosperity of the people, are obtained by the census-takers. Nearly all the states have a

special census taken every ten years, but so arranged that it occurs five years after the United States census has been taken. In this way the counting of the people occurs every five years.

*Number of Members.* The Constitution does not limit the membership of the house of representatives. At first there were sixty-five members, on the estimated basis of one representative for every 30,000 inhabitants of the country, but so rapid has been the growth of the United States in population, that there are now seven times as many representatives as there were in the first congress, and the ratio of representation is seven times as great as it was at first.

*Ratio of Representation.* The first census of the people of the United States was taken in 1790, and one has been taken the last year of each regular decade since that time. At the first session of congress after the census had been taken, a committee was appointed to decide upon the number of representatives in congress for the next ten years. The number, at present is 435. The ratio of representation is found by dividing the number representing the population of all the states, exclusive of the territories and the District of Columbia, by the number representing the membership of the house of representatives. The ratio fixed in 1913 is one representative for every 212,407 inhabitants.

*Each State Represented.* It is also provided that each state shall have at least one representative. Should new states be admitted before the next census is taken, the number of representatives will be increased accordingly.

*Representatives at Large.* Some of the small states and some of the newer states have only a sufficient number of inhabitants to allow them one representative. In such states the entire state constitutes the congressional district and the representative may be known as a "representative

at large" since he represents the state as a whole. This term, however, is more appropriately applied to those additional representatives allowed a state at a new apportionment, and elected before the legislature has time to re-district the state.

These additional representatives are chosen by the voters of the entire state. Some states prefer to allow these representatives to continue in this relation, leaving the number of congressional districts as fixed by a previous apportionment. In the Sixty-fourth Congress Pennsylvania had four representatives at large and Illinois two.

*Slavery.* At the time of the adoption of the Constitution, slavery existed in nearly all of the states. There were several members of the convention who were bitterly opposed to slavery, and they wished to have nothing done by the convention to encourage it. It was decided that neither slaves nor slavery should be mentioned in the Constitution, and the evasive language, "three-fifths of all other persons," was used to determine the political standing of slaves in fixing the basis of representation.

#### *Clause 4.—Vacancies*

*When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.*

Vacancies in office may occur by the death, resignation, or removal of the incumbent. When a vacancy occurs in the representation from any state, the governor, or acting executive, issues a proclamation to the voters of the congressional district in which the vacancy exists, directing them to meet at a specified time, for the purpose of electing a representative to fill the vacancy. The day for this special

election is named in the proclamation, and it is the same for all counties in the congressional district.

*Clause 5.—House Powers*

*The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.*

**House Officers.** *Speaker.* The right of the house of representatives to choose its own officers is a proper one. It is customary for all deliberative bodies to do this, although a notable exception seems to exist in the election of the vice-president to preside over the senate. The speaker of the house is always chosen from its own members, but the other officers are not. The speaker is the chief officer of the house, and it is his duty to preside over the deliberations of that body.

He is also required to keep order, decide points of parliamentary usage in debate, and in the conduct of the business of the house, and to sign all bills passed by the house.

*Clerk.* Next to the speaker the clerk is the most important officer of the house. He also keeps a record of the proceedings of the house from day to day, in a book called the *Journal*; also a record of all aye and nay votes. He has several assistants, to each of whom is assigned a branch of the work in charge of the clerk. The clerk is not chosen from among the representatives, and one of his most important duties is to call the new house to order and preside until a speaker is chosen. When this is accomplished his term of office expires.

*Sergeant-at-Arms.* The sergeant-at-arms is the marshal, or police officer, of the house, and it is his duty to see that the rules relating to the conduct of its members are strictly



obeyed. He is sometimes sent to bring absent members to attend the sessions of the house, and his summons places the persons under arrest.

During a session of the house, the sergeant-at-arms sits facing its members to see that good order is maintained. Whenever any disturbance arises among the members, he takes the mace, which is the symbol of his authority, and carries it at once to the scene of the disorder. The presence of the mace is a warning to the offenders to stop the disturbance, or run the risk of severe punishment, and even expulsion. The sergeant-at-arms also draws the warrants for the payment of salaries of members, and sees that each member receives the amount due him.

*Doorkeeper.* The doorkeeper admits members and all other persons privileged to seats in the hall of representatives. He also has charge of the furniture of the main hall and galleries, and is responsible for the proper care of the same.

*Postmaster.* A postmaster is appointed for the house of representatives, and a special postoffice is kept for the convenience of members. A chaplain is also one of the regular officers of the house, and it is his duty to open the session each day with devotional exercises. Certain minor officers are appointed as they are needed, and they serve during the pleasure of the house. Each of the principal officers appoints his own assistants, and is responsible for the faithful discharge of their duties.

### SECTION III. THE SENATE

#### *Clause I.—Composition*

*The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.*

**Objections to Senate.** The senate was a subject of great dispute among the members of the Constitutional Convention. Some members saw no necessity for two houses of congress, and others feared that the plan of having two houses, with different qualifications required, would soon develop into a legislature closely resembling the British parliament. Some of the larger states wished to have the senate a less numerous branch than the house, but they insisted that the membership should be based upon population. Two or three representative districts might be united to form one district for the election of a senator, it was urged; but the smaller states would not listen to this, and it was not until equal representation of the states was agreed to for the senate, that the smaller states consented to enter the Union.

**Political Representatives.** The senate is supposed to represent the states in a political capacity. The membership can never be as large as that of the house. As there are now 48 states in the Union, it follows that there are 96 senators in congress.

Several methods of electing senators were proposed in the Constitutional Convention, but it was finally decided that they should be elected by the state legislatures. As the country increased in wealth and population this method led to many abuses. In 1912 Congress adopted an amendment to the Constitution providing for direct election of senators by the people and this amendment was ratified by the states in 1913.

**Term.** The term of senators is fixed by the Constitution at six years. This gives permanency to the office of senator, and was supposed to remove it from the field of politics.

**Note.** Under the confederation, each state had but one vote, no matter how many delegates it had in the congress.

This method of voting was not satisfactory, and a change was made so as to give each member the right to vote independently.

*Clause 2.—Classification and Vacancies*

*Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year; and of the third class, at the expiration of the sixth year; so that one-third may be chosen every second year, and if vacancies happen by resignation, or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.*

**Purpose.** This clause of the Constitution was inserted for the purpose of making the senate a perpetual body. All the members of the house of representatives may be changed at any general election of those officers, because they are all chosen at the same time. With the organization of a new congress, however, only one-third of the number of senators can be changed, unless some have been chosen to fill vacancies. At all times, one-third of all the senators have served at least two years, and another third, at least four years.

**Classes.** The division of senators into the three classes designated in the Constitution was made at the first session of congress. At that time, only ten of the states were represented in the senate, and consequently there were only twenty senators to be separated into classes. It is custom-

ary to speak of the thirteen original states, but there were six years. The terms of senators from a new state serves only eleven states in the Union, when the government was organized, March 4, 1789. North Carolina ratified the Constitution November 21, 1789, and Rhode Island, May 29, 1790. At the time the senators were classified, New York had not chosen her senators, and thus, as stated above, there were only ten states represented in the senate.

*First Congress.* In separating the senators into classes, a committee that had been appointed for the purpose arranged the names on three slips of paper, one containing six names, and the other two, seven each. Care was taken in arranging the names so that the two senators from any state were assigned to separate lists. It was agreed that these lists were to be drawn from a box in which they had been placed, and the senators named in the first list drawn were to serve for two years. Those in the second list were to serve four years, and those in the third list, for the full senatorial term of six years.

*New Members.* As new states have come into the Union, their senators have been assigned to the classes having the fewest members. On this account it sometimes happens that neither of the senators from a new state serves for six years. The terms of senators from a new state are decided by lot, and are known as the long and short term. The senate is now composed of 96 members and is separated into three groups of 32 members each.

### *Clause 3.—Qualifications*

*No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.*

It was admitted by all members of the Constitutional Convention that the qualifications of senators should be higher than those of representatives. The minimum age is five years higher, and the length of time of citizenship, two years longer. The clause relating to inhabitancy is the only one that may be subject to abuse. While a senator at the time of his election must be an inhabitant of the state from which he is chosen, he may at any time remove to some other state and continue to serve as senator from the state that elected him.

As the senate acts with the president in making treaties with other nations, the first two qualifications named seem all the more necessary.

*Clause 4.—Presiding Officer*

*The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.*

**Vice-President.** There was much objection made to the election of a vice-president, and it is doubtful whether, or not, the office would have been created, had not some member of the convention suggested that the vice-president should serve as president of the senate, *ex-officio*.

*General Provisions.* The work of presiding over the senate would qualify the vice-president for the more important position, should he be called upon to perform the duties of president. He is not allowed to vote, except in case of equal division of the senate upon any question under consideration, because his vote might seem to increase the political influence of the state from which he was elected. That state would have three votes in the senate instead of two, and to prevent this, the vice-president is

not permitted to vote except as above stated. Because there is always an even number of senators, it seems necessary for the presiding officer to have the casting vote in case of an equal division of the senate, in order to prevent what is known in political language as a "dead lock." The vice-president takes no part in the discussions of the senate, nor does he appoint any of the regular committees of that body.

#### *Clause 5.—Other Officers*

*The senate shall choose their other officers, and also a president pro tempore, in the absence of the vice-president, or when he shall exercise the office of the president of the United States.*

The other officers of the senate are a president *pro tempore*, a secretary, sergeant-at-arms, chaplain, librarian and postmaster.

**President Pro Tempore.** The president *pro tempore* is chosen by the senate from among its own members. As a rule, the position is an honorary one, as he is not often called upon to preside over the senate for any length of time. When the vice-president succeeds to the presidency, the president *pro tempore* presides at all the sessions of the senate, and he then receives the same salary as the vice-president.

#### *Clause 6.—Impeachment*

*The senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the president of the United States is tried, the chief justice shall preside; and no person shall be convicted without the concurrence of two-thirds*

*of the members present. Judgment in case of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under the United States, but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.*

**Impeachment.** The house of representatives is given the sole power of impeachment. An impeachment is a charge preferred against a public officer, accusing him of having committed high crimes and misdemeanors, or of having violated his oath of office. An impeachment is in the nature of an indictment brought by a grand jury. It does not determine the guilt, or innocence, of the accused, but it requires him to submit to an investigation of the charges before a proper court.

*Who May be Impeached.* The Constitution does not designate all the officers that are liable to impeachment. The president, vice-president, judges of the supreme and inferior courts, and members of the president's cabinet are among the officers that are considered subject to impeachment.

*Nature of Impeachment Cases.* It must be borne in mind that impeachment is only a formal accusation. President Johnson was regularly impeached by the house of representatives, in 1868, but he was not convicted. Three U. S. district judges, one associate justice of the Supreme Court, one cabinet officer, and one judge of the commerce court, have also been impeached, but only four of these were convicted and removed from office.

*Court of Impeachment.* As stated elsewhere, the house of representatives has the sole power of impeachment, but when a public officer has been impeached, he is obliged to appear before the senate to answer to the charges that



have been preferred against him. When trying a case of impeachment, the senate is organized as a court, and each senator is obliged to take an oath (or affirmation) that he will try the case fairly.

*Impeachment of President.* When the president of the United States is tried, the chief justice of the Supreme Court presides. This is done to secure impartial rulings on the part of the presiding officer. It was thought advisable to make this provision, as the vice-president, who is first in the line of succession to the presidency, might be unduly interested in securing the removal of the president.

*Conviction.* The trial of a public officer on impeachment is a very grave matter, and it is certainly a safe plan to require a two-thirds vote of the senators present to convict a person who has been impeached.

*Punishment.* The powers of the senate to punish a public officer on impeachment are limited to removing him from office and declaring him to be forever disqualified to hold and enjoy any position of honor, trust, or profit, under the government of the United States. But any person so convicted is liable to punishment by due process of law, for any crime committed or wrong done, the same as though the impeachment and trial had not occurred.

#### SECTION IV. ELECTIONS AND MEETINGS

##### *Clause 1.—Elections to Congress*

*The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.*

This clause explains itself. In the absence of any action by congress the time, place, and manner of electing mem-



bers of congress is left to the states. In 1842, congress passed a law providing for the separation of states into congressional districts for the election of representatives, and by another law, that went into effect in 1876, the time of the election of representatives is fixed for the Tuesday after the first Monday in November in each even-numbered year. This law was intended to be uniform in all the states, but in some of the older states the time of the election of representatives was fixed by the state constitution before the law of congress was passed. Most of these states, however, have since changed the date of holding their elections to conform with the date specified in the Constitution. The adoption of the XVIIth Amendment repealed the portion of this clause that refers to the election of senators.

#### *Clause 2.—Meetings*

*The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.*

Although the term of members of congress begins on the fourth day of March in the odd-numbered years, the regular annual session does not convene until the first Monday in December. Congress has never exercised the privilege of appointing a different day than the one fixed by the Constitution. The president may call an extra session of congress at any time, and very often the first session of congress lasts five or six months.

### SECTION V. SEPARATE POWERS AND DUTIES

#### *Clause 1.—Membership. Quorum*

*Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of*

*each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties, as each house may provide.*

**Why Necessary.** The first clause of the above paragraph is reasonable as well as necessary. The qualifications of representatives, their election, and the manner in which the returns of election are made, differ from those of senators. Each house is directly interested in the qualifications and proper choice of its own members, and no better plan than the one given could have been adopted.

**Quorum.** In the transaction of business connected with law-making, it would have been manifestly unfair to give the power to make laws to any smaller number than a majority of all the members. When it happens that a smaller number than a quorum is present at the opening of any session, those present may adjourn to the following day. They may, if they choose, direct the sergeant-at-arms to summon absent members and compel their attendance. This, however, can not be done unless there are present at least fifteen members to order it. When there are less than fifteen members present at the opening of a session, they adjourn.

**Absence.** No member has a right to be absent from a session unless he is sick or excused. When a member is brought in by the sergeant-at-arms, he is required to give an excuse for his absence, and some very amusing scenes often occur at such times.

### *Clause 2.—Discipline*

*Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.*

**Rules.** Each house of congress has adopted a list of rules relating to its organization, the privileges of members, the duties of its officers, the rules governing debate, and many other items of special interest. It has been found necessary for each house to punish some of its members for disorderly conduct, and some members of each house have been expelled.

*Clause 3.—Publicity*

*Each house shall keep a journal of its proceedings, and, from time to time, publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house, shall at the desire of one-fifth of those present, be entered on the journal.*

**Journal.** The journal kept by each house contains a complete record of all its proceedings from day to day. This record is read at the opening of the next day's session, and such corrections are made as are found necessary. The journal is read and approved by the presiding officer before it is submitted to the house.

If, at any time, the public safety seems to demand that any part of the proceedings of either house shall be kept secret, such part is not published. At other times, the proceedings of both houses of congress are given in full in the journal, which is published as often as may seem necessary. Usually a synopsis of the proceedings of congress from day to day may be had from the daily newspapers.

**Voting.** The usual method of voting *τῆς αὐτοῦ* is quite a simple one, and the presiding officer can generally tell by the sound of the voices whether the motion is carried or lost. If he is in doubt as to the result, he calls upon those who vote in the affirmative to rise from their seats to be

counted, and afterwards those voting in the negative. If the presiding officer is still in doubt, or if a count is requested by at least one-fifth of a quorum, he appoints two tellers, one from each side, to count the votes. This method is called voting by tellers.

*Yeas and Nays.* The process of voting by yeas and nays is longer than the others, and it is sometimes resorted to by a minority to hinder legislation. Under the rule fixed by the Constitution, the yeas and nays may be entered on the journal, whenever it is requested by one-fifth of the members present.

*Roll Call.* In voting by yeas and nays, the names of the members are called in alphabetical order. As each one's name is called, he announces his vote. When the roll has been completed, the list is again read with the record of each vote, for the purpose of correcting errors, if any have been made. The use of this method of voting to delay legislation is called "filibustering."

#### *Clause 1.—Adjournment*

*Neither house, during the session of congress, shall without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.*

This clause was inserted in the Constitution to satisfy those members of the convention who were opposed to having two houses of congress. One house has not the power to adjourn for an indefinite period for the purpose of preventing legislation to which its members may be opposed. The language of the clause is so explicit as to require little explanation. Should both houses fail to agree upon a time of adjournment, they may be adjourned by proclamation of the president, but this has never been found necessary.

## SECTION VI. MEMBERS

*Clause 1.—Privileges*

*The senators and representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.*

**Salary.** The salary of senators and representatives is fixed by law at \$7,500 a year. Franklin and a few other members of the Constitutional Convention were opposed to paying members of congress any salary, but they were overruled. At first, the salary of members of congress was fixed at six dollars a day, and thirty cents a mile for traveling expenses. Several changes were made before the present limit was reached. The salary of the speaker is fixed at \$12,000 a year.

**Stationery. Mileage.** In addition to the salary named, each member receives \$125 for stationery, and an allowance of twenty cents a mile for traveling expenses. Mileage is computed upon the nearest route usually traveled in going to and returning from the seat of government. The allowance for stationery and mileage is made for each session of congress, regular and special. The mileage is paid on the first day of the session of congress to those who are present, and to other members as soon as they arrive after the beginning of the session. Stationery is furnished at cost, but any member may draw his allowance for stationery in money, if he chooses.

**Freedom from Arrest.** The privilege of freedom from arrest, except in the cases specified, is a wise provision. If it were not for this right, persons desirous of preventing certain legislation might cause the arrest of members on false or trifling charges, and thus prevent them from attending to their duties as congressmen.

**Freedom of Speech.** The freedom of speech guaranteed in debate is for the purpose of permitting members to speak freely and plainly upon any subject under discussion in the process of law-making. This does not prevent either house from adopting rules to govern members in debate. It is intended to prevent members from being arrested on a charge of slander for anything they may have said in debate.

#### *Clause 2.—Prohibitions*

*No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States, shall be a member of either house during his continuance in office.*

If it were not for this clause of the Constitution, offices might be created by congress, and large salaries provided, and these offices given to the members of congress who had been instrumental in bringing about the passage of the law. An office with a large salary and permanent in tenure would be a constant temptation to some members, and resignations would be very common in congress, instead of very rare, as at present.

## SECTION VII. MAKING LAWS

*Clause 1.—Revenue Bills*

*All bills for raising revenue shall originate in the house of representatives, but the senate may propose or concur with amendments, as on other bills.*

This is a plan borrowed from England. In parliament, all bills relating to taxation originate in the lower house. It was thought wise to place the right to propose measures for raising revenue in the hands of representatives, because they are nearer the people, in a sense, than senators are.

The provision really has but little force, because after a revenue bill has been acted upon by the house, it becomes the property of the senate, and may be disposed of by that body, in the same manner as any other bill.

*Clause 2.—Mode of Making Laws*

*Every bill which shall have passed the house of representatives and the senate, shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons*

*voting for and against the bill shall be entered on the journal of each house, respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress, by their adjournment, prevents its return, in which case it shall not be a law.*

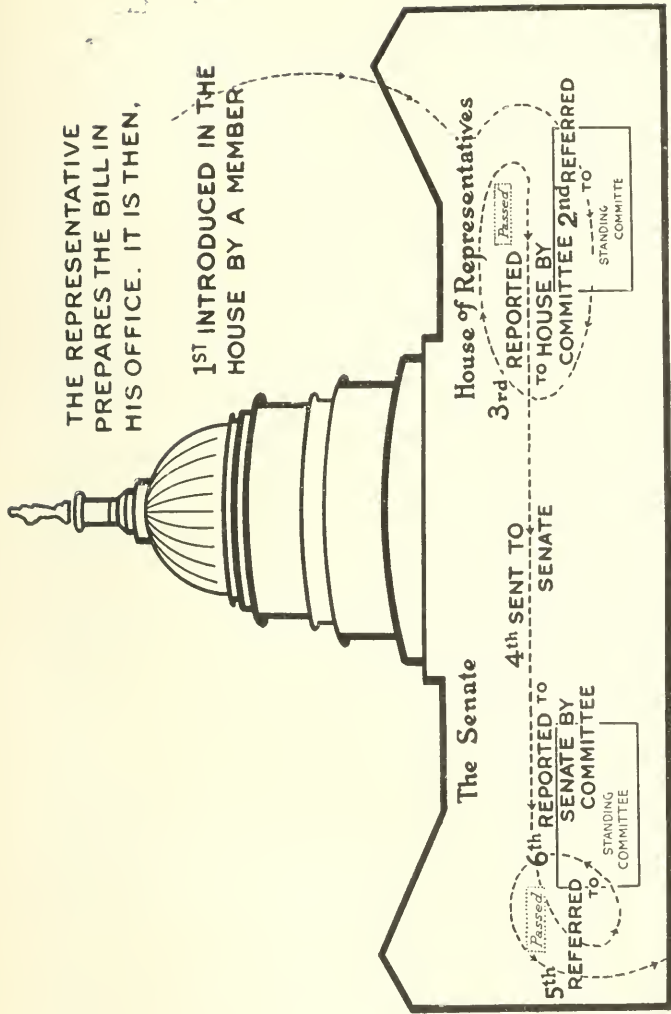
**Law Making.** The making of laws is the most important work of congress, and the greater part of each session is devoted to it. For the purpose of facilitating the dispatch of business and also to provide for careful consideration of every measure presented, the members of each branch of congress are organized into groups known as standing committees, such as the Committee on Ways and Means, the Committee on Naval Affairs, the Committee on Post Offices, the Committee on Foreign Relations, etc. The house of representatives has over 50 standing committees.

**Bills.** A proposed law is known as a bill. Any member of congress can introduce bills into the branch to which he belongs; that is, a representative may introduce bills into the house and a senator into the senate.

*How a Bill Becomes a Law.* After the bill is prepared the following steps are necessary to enable it to become a law. Let us suppose that the representative from your district has prepared a bill. This bill is:

1. Introduced into the house and read.
2. Referred by the speaker to the committee to which it belongs.
3. Considered by the committee.
4. Reported by the committee back to the house, where it is read the second time (by title only) and a date fixed for its discussion.
5. Read the third time in full, discussed and passed.





THIS DIAGRAM GIVES A GRAPHIC REPRESENTATION OF THE DIFFERENT STAGES THROUGH WHICH A BILL PASSES IN BECOMING A LAW

6. Sent to the senate, where it goes through the same process that it has passed through in the house.

7. Sent to the president, who signs it and it becomes a law.

*Discussions and Conferences.* The course of a bill as here given supposes that it will meet with no opposition, as it passes from one stage of proceedings to another, but proposed legislation is seldom so fortunate.

Those who favor and those who oppose the bill, whether or not they are members of congress, have the privilege of discussing the measure before the committee to which it is referred, and, as a result of these discussions, the bill may be modified by the committee. This may not affect its passage by the house into which it was first introduced. But if the senate committee modifies the bill after it has passed the house, it is referred back to the house, which must concur in the changes before the bill can be sent to the president.

In case the house and senate cannot agree upon an important measure, a conference committee, consisting of senators and representatives, is appointed to reconsider the bill and adjust differences. The report of this committee is usually accepted by both branches of congress.

*Action of President.* If the president approves a bill that has been passed by both houses in a proper manner, he signs it, and it is then a law. If he does not approve the bill, he returns it to the house in which it originated, stating his objections to it. Those objections are spread upon the journal of the house as a part of the permanent record, and then the bill is reconsidered.

*Veto Power.* The refusal of the president to sign a bill is called a veto. The veto power of the president is only partial, for if each house agrees by a two-thirds majority

to pass a bill after it has been vetoed by the president, the bill becomes a law, and is of the same force and effect as though it had not been vetoed.

The governor of each state in the Union is given the right to veto bills passed by the legislature.

In passing a bill over the president's veto, the vote is always taken by yeas and nays. This is done to insure a careful consideration of the reasons for voting for or against the measure. The vote of each member is recorded, and he is thus put on record, so that his constituents may know just how he voted.

*Executive Neglect.* The president sometimes allows a bill to become a law by the process called "executive neglect." In this case, he neither signs the bill nor vetoes it in the regular way. If the bill is not vetoed nor signed by the president within ten days from the time it is presented to him (Sundays excepted), it becomes a law, unless congress, by adjournment, prevents its return.

*Pocket Veto.* If a bill passed during the last ten days of a session of congress is objectionable to the president, he may prevent the measure from becoming a law by taking no action upon it. This method of defeating a bill is called a "pocket veto."

### *Clause 3.—Joint Resolutions*

*Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment), shall be presented to the president of the United States; and before the same shall take effect, shall be approved by him, or, being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.*

This clause was considered necessary in order to prevent the congress from passing a bill that the president might object to, and which could not be passed over his veto, by simply changing it to the form of an order, or resolution.

**Concurrent Resolution.** A vote of congress to do something which is not intended to have the force of law, is called a concurrent resolution, and does not require the president's approval.

CHAPTER V  
POWERS OF CONGRESS

SECTION VIII

*Clause 1.—Taxation*

*Congress shall have power:*

*To lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.*

**Taxes.** Under the Articles of Confederation there was no national treasury. Congress had power to recommend that money be raised for various purposes, but it could not levy or collect a single dollar. Taxes are authorized by the Constitution to be raised for three purposes, for the payment of debts, to provide for the common defense and to promote the general welfare of the United States.

*Direct Taxes.* Taxes are classed as direct and indirect. By a clause of the Constitution already quoted, direct taxes must be levied upon the several states according to their population. Direct taxes, when apportioned to the states, are collected by the states, and the amount is then paid into the United States treasury. Direct taxes have always been unpopular in this country as a means of raising revenue for the general government, and this method has not been resorted to except in case of urgent necessity.

In 1861, a direct tax was levied upon the states to aid in paying the expenses of the rebellion, but the amount of money thus raised was restored to the states about twenty years later.

Direct taxes are levied upon the property of individuals, or upon the persons themselves, regardless of property. A tax on property, personal or real, is called a property tax, and one on individuals, a poll or capitation tax.

*Income Tax.* An income tax is a tax levied on the income of individuals for the support of the government. It may be levied directly upon the person receiving an income, or in the form of a tax on dividends, interests, etc. The sixteenth amendment to the Constitution, ratified in 1913, legalizes an income tax. An income-tax law passed by congress in 1894 was declared unconstitutional.

*Indirect Taxes.* Duties, imposts and excises are indirect taxes. They are levied upon certain articles imported into the country, and also upon articles, usually luxuries, manufactured in the country.

Duties are of two kinds—specific and *ad valorem*. A specific duty is levied on goods without regard to value. An *ad valorem* duty is levied on goods at a certain percentage of their value in the country from which they are imported.

**Tariff.** A law passed by congress to fix the rate of duty upon articles imported into the United States is called a tariff. The word “tariff” is a corruption of “Tarifa,” the name of the southern cape of Spain. The Moors, during the Middle Ages, held this cape, and by means of it, they were able to control the entrance to the Mediterranean Sea. The tribute they exacted from merchantmen for passing through the Strait of Gibraltar without molestation was called a Tarifa tax, or a tariff.

*Kinds of Tariff.* The tariff has been a subject of much

dispute in the United States, and upon it, political parties have been divided all through our history. Two theories have been advocated—one, "a tariff for revenue only," and the other, "a tariff for protection." Those who favor the first plan argue that the tariff should be so regulated as to help defray the expenses of the government, and that it should be lowered or removed altogether, if the expenses can be met in other ways.

A tariff for protection is also a tariff for revenue, but in addition to that, the burden of taxation is placed upon those imported articles that are likely to be brought into competition with the same class of articles manufactured or produced in this country.

*Export Duty Prohibited.* The United States and the several states are prohibited from levying duties upon exports. Imposts are the same as duties, or customs, and this term might have been omitted from the Constitution without impairing the tax-levying power in any way.

**Internal Revenue.** Excises are taxes levied on tobacco, cigars, spirituous and malt liquors, patent medicines and other commodities produced within the country, according to the needs of the government. Many of these taxes are paid by stamps which the manufacturer or producer is required to purchase of the government and affix to the packages when they are placed on the market. Sometimes stamps are required on bonds, deeds, bills of sale, bills of lading, etc.

During the Civil War internal revenue taxes were very heavy, but most of them were repealed within a few years after the close of the war. Stamp taxes were revived during the Spanish-American War and again in 1914, in consequence of the loss of revenue from customs occasioned by the war in Europe.

**Expenses of Government.** In times of peace, the

expenses of our government are enormous, and they would be very much increased in case of war. It now costs more than \$1,000,000,000 to pay the expenses of the government for a single year.

The fiscal year ends June 30. For the year 1912-13 the total disbursements were \$1,010,812,000, and the receipts were about \$4,000,000 in excess of this amount.

*Debts.* During the Civil War, the sources of revenue were increased in many ways, but, in spite of this, the debt at the close of the war was nearly \$3,000,000,000. A great part of this has been paid, but the common defense and general welfare demand the outlay of large sums of money annually. The subject of taxation has always been, and doubtless always will be, a troublesome one.

#### *Clause 2.—Borrowing*

*To borrow money on the credit of the United States.*

**Bonds.** Several times in our history, our government has been obliged to borrow money on its credit. At the time of the purchase of Louisiana, in 1803, there was not money enough in the treasury to pay for it. Bonds were issued to Napoleon, and this was equivalent to borrowing money, for the credit of the government was pledged to the redemption of the bonds.

During each of the wars in which the United States has been engaged, the credit of the nation has been used, and during the Civil War it was taxed almost to the utmost, in order to raise the necessary means to carry on the war.

#### *Clause 3.—To regulate Commerce*

*To regulate commerce with foreign nations, and among the several states, and with the Indian tribes.*



**United States Commerce.** One of the defects of the old government was that congress had no power to legislate in any way with reference to commerce. The states soon became jealous of each other, and restrictions were often placed upon the commerce of neighboring states, for no other reason than that of envy or jealousy. It will be remembered that the first convention called after the close of the Revolution was for the purpose of improving the commercial relations among the states.

The foreign commerce of the United States is very extensive, and it is largely controlled by congress. An Interstate Commerce Commission is regularly maintained by the general government, for the purpose of regulating commerce among the states. The commerce with Indian tribes is unimportant, but whatever there is, is under the direction of congress. The Department of Commerce and the Interstate Commerce Commission are important government agencies in regulating commerce between the states.

*Clause 4.—Naturalization and Bankruptcy*

*To establish a uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States.*

**Naturalization.** Naturalization is the legal process whereby an alien may become a citizen of the United States. Power to naturalize aliens rests with the United States circuit and district courts, and all courts of record having a seal and a clerk and jurisdiction in actions in law or equity or both in which the amount in controversy is unlimited. But each court can naturalize only those aliens residing in the territory subject to its jurisdiction. The process involves two steps, declaration of intention and petition for naturalization.

*Declaration of Intention.* Any alien who is a white person or of African nativity may file a declaration of his intention to become a citizen of the United States in the clerk's office of any court having jurisdiction over the place where he lives. This declaration cannot be filed until the alien has reached the age of 18 years. The alien must declare on oath that it is bona fide his intention to become a citizen of the United States and to renounce his allegiance to any foreign state or sovereignty and especially to the state or sovereign of which he is a subject.

This declaration must contain information as to the name, age, occupation, time and place of arrival in the United States.

*Petition for Naturalization.* Not less than two years after an alien has filed his declaration and after not less than five years of continuous residence in the United States, he may file a petition for citizenship in any one of the courts having power to grant naturalization and having jurisdiction over the place in which he resides, provided he has lived one year continuously immediately prior to filing such petition, in the state or territory in which such place is located.

The petition must be signed by the petitioner in his own handwriting, and must give his name, place of residence, occupation, place and date of birth, the place from which he emigrated and the date and place of his arrival in the United States. This must be accompanied by a certificate from the Department of Labor showing the fact of his arrival and the date and place of the same.

If he is married, the petitioner must give the name of his wife and if possible the country in which she was born, and her place of residence at the time of filing her petition.

If he has children the name, date and place of birth and present place of residence of each living child must be given.

The petitioner must declare an oath that he is not a disbeliever in nor opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in or opposition to organized government; that he is not a polygamist or a believer in the practice of polygamy. He must also renounce absolutely and forever all allegiance and fidelity to any foreign country of which he may at the time of filing the petition be a citizen or subject.

The petition must be verified at the time it is filed by the affidavit of two credible witnesses, who are citizens of the United States and who shall state that they have known the petitioner during his entire residence (not exceeding five years) in the state in which the petition is filed, which must not be less than one year, and that they have known him to be a resident of the United States continuously during the five years immediately preceding the filing of the petition; that during such time he has acted as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same.

If the petitioner has not resided continuously in the state in which his petition is filed, his residence in other states may be proved by depositions.

Any alien who has borne a title of nobility or been the member of any order of nobility must renounce such title or position before becoming naturalized.

No alien may become naturalized, if physically able, who does not speak the English language.

If all requirements are met the oath of allegiance is

administered to the petitioner and he is given his naturalization papers.

*Fees.* When an alien files his declaration of intention he is required to pay the clerk of the court one dollar, and when he files his petition for naturalization he pays four dollars.

*Effect.* Naturalization of an alien confers citizenship upon his wife if she could be lawfully naturalized herself, and if she is residing in the United States. It also confers citizenship upon all children under age residing in the United States.

When an alien who has formerly declared his intention to become a citizen of the United States dies before he is actually naturalized, the widow and children who are under age are not required to file a declaration of intention, but may complete the process of naturalization.

The naturalization of Chinese is expressly prohibited and the courts have held that naturalization cannot be extended to Japanese, Burmese and Hawaiians.

A citizen by naturalization has every right and privilege of a natural-born citizen, except that he cannot hold the office of president of the United States.

*Suffrage.* Naturalization is conferred by the United States, and the qualifications of voters are determined by each state for its own citizens, therefore naturalization may not be a necessary requirement for suffrage. In about one-half the states aliens who have declared their intention may vote; in the others, full citizenship is required.

*Exceptions.* There are some exceptions to the general naturalization law. An alien who has served one year in the army or navy of the United States and been honorably discharged, may become a citizen at once by taking the oath of allegiance. An alien woman becomes a citizen by marriage with a citizen.

**Bankruptcy Laws.** The justice of bankruptcy laws has always been questioned by able jurists. On the other hand, financial institutions and prominent business men believe them to be necessary. They afford relief to the debtor, and enable him to start anew. They also assure each creditor an equitable share of the amount due him. The United States bankrupt law now in force was passed in 1898 and amended in 1910.

A bankruptcy law gives a debtor the right to appear in court, and, under oath, to certify to all the property belonging to him which is not exempt by law from attachment for debt. By turning over this property to the court, for the benefit of his creditors, the proceeds will be divided proportionately among them, and the entire debt will thus be canceled. The debtor may afterwards accumulate a large amount of property, but it can never be seized to pay debts contracted before he took advantage of the provisions of the bankruptcy law.

#### *Clause 5.—Coinage and Measures*

*To coin money, regulate the value thereof, and of foreign coin and fix the standard of weights and measures.*

**Coinage.** The right to coin money belongs primarily with the nation, and not with the state. Under the power conferred upon congress by the first part of this clause, laws relating to the coinage of money have been passed, and mints owned and operated by the general government have been established.

*United States Mints.* The main mint of the United States is at Philadelphia. It was established in 1791. There are also United States mints at New Orleans, San Francisco and Denver. Each of these mints, except the one at

Philadelphia, has a mint mark which is placed on the reserve side of all the principal coins. "O" is the mint mark for New Orleans, "S" for San Francisco and "D" for Denver.

*Coins.* Gold, silver, nickel and bronze are now coined into money by the authority of congress. The gold coins are the double eagle, the eagle, half eagle and quarter eagle. The silver coins are the dollar, half dollar, quarter dollar and dime. The baser coins are the five cent and the one cent piece.

*Legal Tender.* Gold coins and silver dollars are legal tender for the payment of debts in unlimited amounts, but all other silver coins are limited to ten dollars as a legal tender. A private citizen may have gold bullion coined into money at the United States mint in any quantity he chooses. This is called free coinage of gold. The government does not now coin silver for individuals, but purchases what it needs.

*Portraits on Coins.* President Washington was urged to allow his portrait to be used on the principal coins of the United States, but he objected on the ground that in a republic no man's portrait should be placed on its coins. That plan has been followed through our history down to the present time.

*Value of Coins.* The power of congress to regulate the value of coins is an important one. At present the gold dollar as a unit of value, contains twenty-five and eight-tenths grains, nine-tenths fine, and the silver dollar  $412\frac{1}{2}$  grains, and of the same degree of fineness as the gold dollar. The metal in a silver dollar is often worth less than a dollar as bullion, but the stamp of the government causes it to pass at its face value. Congress does not attempt to regulate the value of foreign coins, as the number circulated in the United States is very small.

**Weights and Measures.** The necessity of uniform standards of weights and measures is apparent to every one. The Constitution gives congress power to establish a uniform system of weights and measures, and several attempts have been made to secure uniformity, but state standards are still allowed. In 1817 the senate directed John Quincy Adams, then secretary of state, to make a report upon the weights and measures used in the United States and other countries, and this report became the basis of later enactments. In 1830 a number of standards were adopted. In 1901 the National Bureau of Standards of the United States was established. The bureau was given custody of standards already adopted and authorized to make scientific investigation of standards employed in all lines of industry. Laboratories have been provided for the bureau and highly trained specialists are employed.

*Clause 6.—Punishment of Counterfeiting*

*To provide for the punishment of counterfeiting the securities and current coin of the United States.*

**Counterfeiting.** During the Revolution, congress was obliged to issue large amounts of paper money, and, with the poor facilities for engraving and printing it, the work was not well done, and it was also easily imitated. To make the matter worse, and perhaps with the thought of entirely ruining the credit of the United States, large sums of counterfeit money were printed in England and sent over here to be given away, or used in exchange for American manufactures and other products. In this way, the money of the government became worthless, and its credit well nigh ruined.

*Counterfeiting Paper Money.* Of late years, the art of

the engraver has made it very difficult to imitate our paper money, and the penalty for counterfeiting is severe. The crime of counterfeiting is a felony, and the penalty, as fixed by law, is printed on the back of greenbacks and national bank notes. On greenbacks, it is as follows:

“Counterfeiting or altering this note, or passing any counterfeit or alteration of it, or having in possession any false or counterfeit plate or impression of it, or any paper made in imitation of the paper on which it is printed, is felony, and is punishable by five thousand dollars (\$5,000) fine, or fifteen (15) years imprisonment at hard labor, or both.”

*Counterfeiting Coins.* The penalty for counterfeiting the coins of the United States is also very severe. Officers of the government are employed to detect counterfeit money of any kind, and, if possible, to arrest the criminals engaged in its manufacture or use.

**Kinds of Paper Money.** It is safe to say that there is almost no counterfeit money now in circulation. So certain do we feel that all the paper money in use is genuine, that we rarely examine it, except to be sure of the amount it represents. The kinds of paper money now in circulation are greenbacks, national bank notes, silver, gold and coin certificates.

The Currency Act of 1913 authorizes the federal reserve banks to issue a special currency to meet emergencies.

### *Clause 7.—Postoffices*

#### *To establish postoffices and post roads*

**Postal System.** The postal system of the United States had its origin in early colonial times, and under the management of Benjamin Franklin was brought to a good degree of perfection. When the Federal Government was



organized under the new Constitution the postoffice was made a department of the government. At this time there were only 75 postoffices. In 1915 there were about 57,000. In 1900 there were over 76,000. This decrease in number is due to the extension of rural free delivery, which has done away with many small postoffices in rural communities.

*Rates of Postage.* All mailable matter is divided into four classes known respectively as first-class, second-class, third-class and fourth-class matter.

First-class matter includes letters and other written documents, manuscript and all sealed packages, whatever their contents. Postage on first-class matter is two cents an ounce or fractions thereof. The exceptions are postal cards and drop letters in local postoffices where there is no delivery. The rate on each of these is one cent.

Second-class matter includes all newspapers, periodicals and other publications which appear regularly at least four times a year, and are entered in the Postoffice Department as second-class matter. The rate on second-class matter to publishers and news agents is one cent a pound or fraction thereof. Publications sent to subscribers within the county are free unless mailed for delivery at letter-carrier offices. Publishers wishing to secure the advantages of second-class rates must submit their periodicals to the Postoffice Department for approval. If the periodical meets the requirements the rate is granted. Otherwise the publication is subject to the rate of third-class matter.

Third-class matter includes printed engravings, circulars, photographs and mimeograph and multigraph letters not containing name and address of the person to whom they are sent. Such letters containing the address may be mailed as third-class matter, provided at least twenty identical copies are mailed at the postoffice window at one time. Proof sheets accompanied by manuscript are also included

in this class. Packages of third-class matter must be unsealed and so wrapped that the contents can be readily examined. The rates are one cent for every two ounces or fractions thereof.

*Parcel Post.* Fourth-class matter embraces parcel post mail, and includes merchandise, farm and factory products, seeds, cuttings, bulbs, roots, scions and plants, books (including catalogues), printed matter weighing more than four pounds, and all otherailable matter not included in the first, second and third classes. Parcel post packages must be unsealed.

Packages weighing eight ounces or less and miscellaneous printed matter weighing less than four pounds are subject to uniform rates, but the rates on larger packages are fixed by zones. The limit of weight for packages in the first and second zones is fifty pounds; beyond the second zone, twenty pounds.

Those wishing to use the parcel post should obtain from their rural carrier or their postmaster printed rules and directions which are supplied on application.

*International Postal Union.* The United States is also a member of an international postal union, and, by means of this, letters may be sent to any foreign country belonging to the postal union, at the uniform rate of five cents per half ounce.

Money may be sent to all parts of the United States by means of postal orders, which may be purchased at all the important postoffices in the United States. International money orders are also used to send money abroad.

*Adjustment.* Salaries are readjusted annually, and if the receipts of any office grow so large early in the year as to change the class to which that office belongs, the readjustment will not be made until the end of the postal year, which is March 31.

*Post Roads.* Post roads are routes designated by the government over which the mails are carried. They consist of railroads, steamship routes and wagon roads. These post roads are not special routes constructed at government expense, but any route by which mail is conveyed is called a post road. In nearly all parts of the country, rural free delivery of mail is made by carriers who do their work under contract with the general government.

### *Clause 8.—Copyrights and Patents*

*To promote the progress of science and useful arts by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries.*

**Patents.** A patent is a certificate issued by the authority of the government to the inventor of any useful article, or the discoverer of any useful process, by means of which he is given the exclusive right to manufacture and sell his production. Models of the various articles patented in the United States are kept in the patent office at Washington. Patents are issued by a commission that is in charge of that branch of the interior department.

*Expense.* Letters patent, as the certificate is called, secures to the inventor the exclusive right to his patent for seventeen years, and a patent may be re-issued. The expense of obtaining a patent is thirty-five dollars. Fifteen dollars must accompany the application, and this money will not be returned to the applicant, even if he is not granted a patent. It is used to defray the expense of the careful search through the models in the patent office to see that the article is not like some similar one already covered by patent.

**Copyright.** Copyright is the privilege granted to authors and designers. It is intended to secure to them the exclusive right to their productions. The following steps are necessary to secure a copyright:

1. Make application to the Register of Copyrights, Washington, D. C., for the necessary forms. The application should state whether the article is a book, a play, a musical composition or a photograph or print of some designer.

2. Fill the blanks received, taking care to comply with every requirement.

3. Forward the application together with the required fee, one dollar, to the Register of Copyrights.

4. Send two copies of the article on which copyright is desired to the Register of Copyrights. All articles copyrighted must have printed upon each copy the legend

Copyright 19  
By A——— B———

That is, the legend must contain the year in which the copyright was granted and the name of the person or firm to whom it was granted.

A copyright is good for 28 years and may be renewed.

#### *Clause 9.—United States Courts*

*To constitute tribunals inferior to the supreme court.*

This clause is an important one, and congress, exercising the authority granted by it, has established several important courts, some of them inferior only in name to the Supreme Court. Owing to the relation of these courts to the Supreme Court, the whole subject is discussed as the judicial branch of the government, Chapter VIII.

*Clause 10.—Crimes at Sea*

*To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.*

**Piracy.** Piracy is a crime committed on the high seas which is equivalent to robbery on land. Congress has passed stringent laws for the punishment of piracy, and as other civilized nations have taken similar action, this crime is now of rare occurrence.

**Low Water Mark.** The jurisdiction of a state bordering on the ocean extends to low water mark, but the nation has control of oceanic waters for a distance of three miles outside of low water mark. The nation also controls the gulfs and bays that indent its coasts, and the Great Lakes.

The offenses against nations referred to here apply only to citizens of the United States. Each nation is responsible to every other nation for the acts of its citizens. The United States has been called upon to make reparation for the injuries done to citizens of other countries, and the power of our government is often invoked to protect the rights of our citizens abroad.

*Clause 11.—Declaration of War*

*To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.*

**War.** One of the sovereign powers of a nation is that of declaring war. The United States has been engaged in three important wars with other nations, and in the great Civil War. A declaration of war is a very important step for any nation to take and power to take such a step should rest with the representatives of the people. It is a formal

proclamation to the world that war is about to begin, and war is always dreadful.

*Marque and Reprisal.* A letter of marque is a commission in writing, issued by the National Government, authorizing a private person to capture on the high seas persons and property of the subjects or citizens of a nation that has inflicted injury upon his country, and the authority to take the property seized into the ports of the injured nation is a *letter of reprisal*.

*Prize Courts.* The United States, in time of war, designates certain ports into which prizes may be taken by officers acting under letters of marque and reprisal. At these ports, prize courts, or courts of admiralty, as they are often called, are established, and if it is found by them that the seizure has been properly made, the property is sold, and the money received is divided among the officers and crew in a manner prescribed by law.

#### *Clause 12.—Maintenance of Armies*

*To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years.*

**Armies.** The power to declare war would have little force unless accompanied by the right to raise and equip armies. The members of the Constitutional Convention were divided in opinion concerning the power of congress to raise armies, and the people also, when called upon to ratify the Constitution, were found to be much opposed to this part of the document.

*Appropriations.* As a safeguard to the people, it is provided that an appropriation for the support of the United States army shall not be made for a longer period than two years. By this means, if a war proves unpopular, repre-

sentatives favoring the wishes of the people could be elected, and the war terminated through lack of support of the army.

*Standing Army.* It has always been the policy of the United States to maintain a small standing army. At present the minimum is fixed at 58,000 men, and this number can be increased to 100,000 upon order of the president. The army is under the management of the General Staff, which is composed of experienced officers. The chief of staff is at the head of this body, and is, under the president, the commander-in-chief of the land forces of the country.

*Militia.* All able-bodied citizens of the United States and all aliens who have declared their intention to become citizens who are over 18 and under 45 years of age, unless excused for special reasons, are members of the militia. The militia is divided into two classes, the organized militia known as the National Guard, and the unorganized militia. In 1915 the organized militia numbered about 123,000 officers and men, and the unorganized militia exceeded 20,000,000.

### *Clause 13.—The Navy*

*To provide and maintain a navy.*

**Navy.** The navy of the United States has been for many years even less imposing than its army. But the year 1898 saw a small, poorly equipped navy change, as if by magic, into one of the most powerful navies of the world. In a few days, the vast resources of the government were turned toward the improvement of our navy, and the change was marvelous. Battleships, armored cruisers, torpedo boats, rapid-fire guns, and, in fact, everything needed for the carrying on of a great war seemed

to spring into being at the need of the nation. At the breaking out of the European War, 1914, the navy of the United States ranked third among the navies of the world, being exceeded only by those of Great Britain and Germany.

*Clause 14.—Army and Navy Regulations*

*To make rules for the government and regulations of the land and naval forces.*

**Military Academy.** Congress has passed many laws relating to the government of its land and naval forces. To provide for the proper training of army officers, there is a Military Academy located at West Point, New York, and supported at government expense. This academy was opened in 1812, and has prepared a large number of officers for the army.

**Cadets.** Each senator and each congressional district and territory, including Porto Rico, Alaska and Hawaii, is entitled to have one cadet at the Academy, and the District of Columbia is entitled to two. In addition to these there are forty cadets at large, appointed by the president of the United States. Appointments are usually made through competitive examinations. Candidates cannot be under 17 nor over 22 years of age. The course of study requires four years and the graduates have the rank and pay of second lieutenants. While at the Academy each cadet is paid \$540 a year.

**Naval Academy.** The United States Naval Academy is located at Annapolis, Md. It was founded in 1845 by George Bancroft, the historian, when he was secretary of the navy. The students are called midshipmen. Two midshipmen are allowed for each senator, representative and



delegate in congress, two for the District of Columbia, ten from the United States at large and fifteen from the enlisted personnel of the navy. Those from the District of Columbia and the United States at large are appointed by the president, those from the navy by the secretary of the navy, and the others by the senators and representatives of their respective states. All appointments are made on a competitive examination. The course of study requires four years. Candidates must be between the ages of 18 and 20 years.

*Clause 15.—The Militia*

*To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.*

**Commander-in-Chief.** The Constitution provides that the president shall be commander-in-chief of the land and naval forces of the United States. The governor of each state is empowered to call out of the state militia to enforce the laws of the state and maintain peace within its borders, but he has not the power to send them outside of the state. The president may call out the state militia to aid in executing the laws of the Union, or to suppress insurrections, and repel invasions.

*Clause 16.—Organization of the Militia*

*To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.*

**Training Militia.** If it were not for this provision, by means of which uniformity in military training is secured, the militia would be of little value, when called into the service of the general government. It is proper to permit the states to choose the officers of the militia, but the training of all, officers and privates alike, should be the same for all the states.

### *Clause 17.—Exclusive Legislation*

*To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by the cession of particular states, and the acceptance of congress, become the seat of government of the United States, and to exercise like authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock yards, and other needful buildings.*

**Seat of Government.** Washington was empowered by congress, at its first session, to locate the seat of government at some point on the Potomac River. This he did in 1790, and the capital was removed from Philadelphia, to the city of Washington in 1800. The site chosen for the seat of government is known as the District of Columbia. Maryland gave 72 square miles of territory, and Virginia, 28. In 1846, the government ceded to Virginia its original part, leaving only the Maryland grant in the District. The District is governed by three commissioners appointed by the president and confirmed by the senate.

**United States Property.** The United States owns custom houses, navy yards, postoffices in many large cities, and other property in different parts of the country. Land is obtained for these purposes from the several states, but

the states usually reserve certain rights to the land. As a rule, the deed to the land contains a reverting clause, so that the land will become the property of the state or individual granting it, in case the government fails to use it for the purpose for which it was granted. The right to serve writs or other legal notices for the enforcement of the laws of the state is also reserved by the state. This is done to prevent these places from becoming a place of refuge for criminals fleeing from state authority.

*Clause 18.—Legislative Power*

*To make all laws which shall be necessary for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.*

This clause is a grand summary of the powers of congress. It will be seen that the Constitution states many things about which congress may legislate, but this is only for the purpose of pointing out some of the most important subjects requiring general legislation. In order to show that congress has power to legislate in matters not specified, this last provision is wisely inserted.

QUESTIONS AND SUGGESTIONS

1. Why is the Preamble an important part of the Constitution?
2. Compare the plan of government of the United States with that of Iowa, branch for branch.
3. How many representatives in congress has Iowa? In which congressional district do you live? Who is your representative?

4. Who are the United States senators from Iowa? When does the term of each expire?

5. How many members in the House of Representatives? In the Senate? When can the number of representatives be changed? Can the number of senators be changed?

6. Write your representative for a copy of some bill before congress, in which the people of Iowa are especially interested, and study its form, language and arrangement.

7. What employees of the United States government do you most frequently meet? Is there a United States official in your city?

8. Can a woman hold an office under the United States government?

9. How can the people in your congressional district influence the vote of their representative on any measure in which they are interested?

10. If two persons claimed to be elected to the house of representatives from the same district, who would decide between them?

11. Can a member of congress be punished for an offense committed before he was elected?

12. Is congress now in session? Is it the long or short term?

13. Why is a bill referred to a committee after it is introduced into either branch of congress?

14. What are United States bonds? For what purposes are they issued?

15. Why does the Constitution vest the power of declaring war in congress?

16. If you wished to enter the Naval Academy, what steps would you have to take to secure admission?

17. If a government post-office building were to be erected in your city, how would the funds be obtained?

18. Can congress do anything not specified in the Constitution?

19. How did members of congress vote under the Confederation? How do they vote now?

20. When was the last United States census taken? When will the next be taken?

## CHAPTER VI

### PROHIBITIONS

#### SECTION IX. ON CONGRESS

##### *Clause 1.—The Slave Trade*

*The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.*

Everything in the Constitution pertaining to slavery was virtually repealed by the ratification of the thirteenth amendment.

##### *Clause 2.—The Writ of Habeas Corpus*

*The privileges of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.*

**Habeas Corpus.** The right to a writ of habeas corpus is one of the strongest safeguards to personal liberty. An innocent person may be arrested, charged with having committed a heinous crime. Instead of being compelled to wait several weeks or months for a hearing, he may demand a writ of habeas corpus in the method prescribed by law.

This writ is placed in the hands of the sheriff, or other ministerial officer, and he is directed to take the person under arrest before the proper judicial authority, who will at once decide whether or not the person accused is legally held to answer for the crime.

*Effect.* The examination by virtue of a writ of habeas corpus is not a formal trial of the person under arrest, as it is intended to decide only the legality of the arrest. Congress has conferred upon the president the right to suspend the privilege of this writ in time of public danger. The writ can be suspended only in the places actually suffering from invasion or insurrection.

#### *Clause 3.—Laws Forbidden*

*No bill of attainder or ex-post-facto law shall be passed.*

**Attainder.** Parliament had passed bills of attainder declaring British subjects guilty of crimes punishable by death. Such a bill was a judicial declaration in the form of law, and the person attainted had no chance to defend himself in the courts. Not only was he denied the right to a judicial trial, but his estate was often confiscated by the crown, and, in the case of treason, his legal heirs were disinherited.

**Ex-Post-Facto Laws.** An ex-post-facto law is also very unjust. By it an act committed today may be tomorrow declared by law to be a crime. In other words, it makes an act criminal that was not a crime at the time it was committed.

#### *Clause 4.—Direct Taxes*

*No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.*

*Clause 5.—Duties on Exports*

*No tax or duty shall be laid on articles exported from any state.*

Direct taxes and duties are explained on page 218.

*Clause 6.—Commercial Restriction*

*No preference shall be given by any regulation of commerce or revenue to the ports of any state over those of another nor shall vessels bound to or from one state, be obliged to enter, clear, or pay duties in another.*

This provision was inserted in the Constitution to allay the fears of some of the states that a preference for the ports of one state might give that state a decided advantage over the others commercially. The second part of the clause insures certain rights to merchant vessels in carrying on commerce among the states.

*Clause 7.—Care of Public Funds*

*No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.*

**Appropriations of Money.** Large sums of money are required to carry on the government, even for a year, and it is eminently proper to have all appropriations of the public funds regulated by law. Many items of expense are authorized by general provision of law, as, for example, the payment of salaries of president, congressmen, judges



and other officers. In addition to this, special appropriations are made at each session of congress to defray incidental and unusual expenses of the government.

*Government Expenses.* The expenses of the United States in all departments of the public service amount to about \$2,000,000 a day for every day in the year. Some of this money is paid in fees which are used to defray the expenses of the office collecting them, and, as stated elsewhere, the postal service is self-supporting. Appropriations for the running expenses of the government are made by congress, upon the recommendation of the various heads of departments.

In a republican government, the people claim the right to know about how the public money is obtained, and for what purpose it is expended. The secretary of the treasury is called upon at least once a year to report to the president the financial condition of the country, and he gives much valuable information to the people concerning the finances of the government. The "Sundries Appropriation Bill," passed by congress at each session, shows in detail the special appropriations made by that body.

#### *Clause 8.—Titles of Nobility*

*No title of nobility shall be granted by the United States, and no person holding an office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title of any kind whatever, from any king, prince, or foreign state.*

**Nobility.** If titles of nobility had not been prohibited by the Constitution, there would doubtless have been many attempts to establish such titles by law, all along through our history. The design of the founders of our govern-

ment was to prevent any form of aristocracy from gaining a foothold in this country under sanction of law. In short, it was their intention to establish a democracy—a government of the people.

*Reason for Prohibition.* The allegiance of citizens of the United States is due to our own government, and the obligation is certainly strong upon those who are chosen to positions of honor or trust among the people. If any public officer were permitted to receive gifts of any kind from any foreign power, it would seem to be for some sinister purpose. Congress has at different times granted its public officers permission to receive gifts from foreign powers. In general the prohibition is a wise one, and it has often been urged that no citizen of the United States should be permitted to receive a gift of any kind from any foreign power.

#### SECTION X. ON THE STATES

##### *Clause 1.—Unconditional*

*No state shall enter into any treaty, alliance, or confederation, grant letters of marque and reprisal, coin money, emit bills of credit, make anything but gold and silver coin a tender in payment of debts, pass any bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, or grant any title of nobility.*

**Restrictions Upon States.** Before the Constitution of the United States was ratified, the several states were independent republics, each one a small nation by itself. But, on entering the Union, it became necessary for the state to surrender certain rights and privileges that it had previously enjoyed, in order that the general government might be made strong. The unconditional prohibitions of

this clause were necessary to promote the general welfare of all the states.

If the states were permitted to enter into alliances of any kind with foreign nations, it would not be long until the nation would be forced into war in self-defense, perhaps through the hasty or thoughtless action of a single state. No state was compelled to enter the Union nor could it gain admission into the sisterhood of states without surrendering those prerogatives that would be likely to cause a conflict between state and national authority.

#### *Clause 2.—Conditional Prohibitions*

*No state shall, without the consent of the congress, lay any imposts or duties on imports or exports; except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision of the congress. No state shall without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as not to admit of delay.*

**State Revenue.** It has come to be the policy of the states to raise revenue for the support of the state government by means of direct taxes. This seems to have grown out of the prohibition placed upon them by this clause. It will be seen that any state may pass laws providing for the proper inspection of articles of merchandise imported into the state.

*Inspection Laws.* In 1906 congress passed the National

Pure Food Law, which provides severe punishments for adulterating foods and drugs or for offering them for sale under labels that convey a false impression of the composition of the article. Government inspectors throughout the country see that this law is enforced in all interstate commerce, and within the states, state commissioners make similar inspection. The government also, through the Department of Agriculture, inspects live stock for the purpose of detecting and preventing the spread of contagious diseases. Meats are also subject to government inspection in all large packing houses.

**Nation Supreme.** The language of the last sentence of this clause is so definite as to require little explanation. The whole purport of the Constitution is to make state authority subordinate to that of the general government in all matters of common interest. The natural law of self-preservation would justify a state in acting in self-defense in case of imminent danger or actual invasion.

## CHAPTER VII

### ARTICLE II

#### THE EXECUTIVE BRANCH

##### SECTION I. EXECUTIVE POWER

###### *Clause 1.—President*

*The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and, together with the vice-president, chosen for the same term, shall be elected as follows: (See Clause 2.)*

**Executive Authority.** The framing of this part of the Constitution was a very difficult one. Under the Articles of Confederation there was no executive authority, except such as congress could exert incidentally. Every point relating to the executive was carefully discussed, and changes were frequently made in the provisions relating thereto.

*Executive Council.* Some members favored an executive council of the government to consist of three members, instead of having a single president. It was thought best to adopt the plan of having but one executive, and the committee having this matter in charge decided that the title of the president should be, "His Excellency." As this seemed to point to the establishment of what might be considered by some a title of nobility, it was discarded.

*Term.* What should be the length of the presidential term of office? Some favored an annual appointment or election. Others were in favor of having the executive serve during life or good behavior. Between these extremes there seemed to be all possible shades and differences of opinion. The first plan actually agreed to was, that the president should be chosen for a term of seven years, and that he should be ineligible to re-election.

For some reason it afterwards seemed advisable to change this provision, and after another prolonged discussion, it was decided to make the presidential term four years, and to say nothing about re-election.

*Number of Terms.* Washington was urged to become a candidate for a third term, but he deemed it unwise, and the example he set has been followed all through our history. Washington, Jefferson, Madison, Monroe, Jackson, Lincoln, Grant, Cleveland, McKinley and Roosevelt are the only presidents that have been re-elected. Only five of the presidents have been re-elected during the past sixty years. It seems as though the people of the United States favor a single term for the executive.

*Vice-President.* The office of vice-president met with much opposition. Several prominent members of the convention argued against the office as needless, but the majority of the states became convinced of the need of such an officer as the vice-president, and the office was established as provided in this section.

#### *Clause 2.—Number and Appointment of Electors*

*Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or rep-*

*representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.*

The twelfth amendment of the Constitution set this clause aside. It is as follows:

*The electors shall meet in their respective states and vote by ballot for president and vice-president, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president, and they shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each; which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates, and the votes shall then be counted; the person having the greatest number of votes for president shall be president, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest number not exceeding three on the list of those voted for as president, the house of representatives shall choose immediately by ballot, the president. But in choosing the president, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to choice. And if the house of representatives shall not choose a president whenever the right of choice shall devolve upon them, before the fourth day of March, next following, then the vice-president shall act*

*as president, as in the case of the death or other constitutional disability of the president.*

*The person having the greatest number of votes as vice-president, shall be the vice-president, if such number be a majority of the whole number of electors appointed, and if no person have a majority, then from the two highest numbers on the list the senate shall choose the vice-president; a quorum for the purpose shall consist of two-thirds of the whole number of senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of president shall be eligible to that of vice-president of the United States.*

**Choice of Candidates.** It is sometimes asserted that the president and vice-president cannot be elected from the same state. This is not likely to occur, but the Constitution does not prohibit it. Political parties always take the precaution to nominate their candidates for president and vice-president from different states in order not to disqualify the electors from any state from voting for the candidates for both offices.

*Illustration.* This may be made plain by a single illustration. New York now has thirty-six electoral votes. Suppose one of the great political parties should select its candidates for president and vice-president from that state, and that it was successful in electing its presidential electors in that state. When the electors met to cast their votes, they could vote for but one of the candidates, because of the constitutional provision that one of the candidates must not be a resident of the same state as themselves.

**Choice of Electors.** The state legislatures have, in most cases, provided for the choice of presidential electors at the general election every fourth year. Each political party desiring to choose a president and vice-president holds



a national convention, early in the year, and nominates candidates for those offices. Then a state convention of delegates is held by each party, and as many candidates for presidential electors are nominated as there are members of congress from that state.

*Number of Electors.* Iowa has two senators and eleven representatives in congress, and each political party in the state nominates thirteen presidential electors. In voting, each elector casts a ballot for the thirteen electors nominated by the party to which he belongs. The party casting the largest number of votes at the general election elects the full number of presidential electors. These electors are morally, or at least politically, bound to vote for the nominees of their party for president and vice-president.

*Presidential Primaries.* While there is no law of Congress providing for the nomination of the president by primary elections, several states in 1912 expanded the primary elections to include presidential primaries, and the nomination of candidates to national conventions. In California and some other states this nomination of delegates was virtually an election. The tendency to extend the primary election laws to the presidential nomination is strong, and in time it may result in the direct election of the president and vice-president by the people.

#### *Clause 4.—Time of Elections*

*The congress may determine the time of choosing, the electors, and the day on which they shall give their votes, which day shall be the same throughout the United States.*

**Summary.** The following summary may aid in the study of this subject:

1. Nomination of candidates for president and vice-president by each of the great political parties.

2. Nomination of presidential electors by state conventions, or by presidential primaries.

3. Election of presidential electors—the Tuesday next after the first Monday in November, in every fourth year.

4. Meeting of presidential electors on the second Monday in January following their election—usually at the state capitol.

5. At this meeting, the ballots of the electors are cast for the nominees of their party for president and vice-president.

6. The ballots must be separate and distinct, each showing the name of the candidate and the name of the office.

7. Three separate lists of the votes are made, signed by the electors, sealed and certified.

8. One list is sent to the president of the United States senate by mail; the second is sent to him by special messenger, generally by one of the electors chosen for that purpose; the third is deposited with the judge of the United States district court for the district in which the electors meet.

9. The certificates from all the states are opened and counted in the presence of both houses of congress on the second Wednesday in February.

*Electoral College.* The presidential electors of a state are often called the electoral college and the same term is applied to all the presidential electors of the United States. These officers are usually paid a small *per diem*, and mileage sufficient to defray their necessary traveling expenses. Each state regulates this matter by law. Presidential electors in Iowa are paid five dollars a day for the time actually employed in the discharge of their duties, and five cents a mile for the necessary distance traveled in going to and returning from the seat of government.

**Election by House of Representatives.** In case there has been no choice made by the electors, the house of representatives proceeds at once to the election of a president, and the senate to the election of a vice-president. In addition to the election of Jefferson, 1801, the house of representatives chose John Quincy Adams president, in 1825.

**Election by Senate.** Richard M. Johnson was chosen vice-president by the senate in 1837, the only time that the election of the vice-president has devolved upon that body.

#### *Clause 1.—Qualification*

*No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office, who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.*

**Qualifications of President.** It would seem to be the part of wisdom to restrict the right to hold the highest office within the gift of the people to native-born citizens of the United States. Many of the ablest members of the Constitutional Convention, and many other persons who had done much to help the colonies in their struggle for independence, were not born in this country. It was for these two classes of persons that the exception was made, so that they would be eligible to the presidency, if citizens of the United States at the time of the adoption of the Constitution. The exception does not now apply, of course.

*Age.* The minimum age required for president and vice-president is certainly low enough. No person has ever been chosen to either of these offices at so early an age as thirty-five years.

*Residence.* The latter part of this clause has always been a matter of dispute among students of the Constitution. It was evidently the intention of the founders of the Constitution to have the "fourteen years a resident within the United States" apply to the fourteen years immediately preceding the election. This number of years covers the period from twenty-one years, the earliest voting age, to thirty-five years, the minimum age at which a person may be elected president or vice-president.

In the absence of any interpretation of this clause by the Supreme Court of the United States, the language of the Constitution must be taken literally. Viewed in this way, any fourteen years of residence within the United States would fill the requirement of this clause; but there is little doubt that the term intended by the founders of the Constitution was the fourteen years immediately preceding the election.

**Vice-President.** The qualifications of vice-president are the same as those of president. This is perfectly proper, since the vice-president may, at any time, be called to the presidency.

#### *Article 5.—Oath*

*Before he enter on the execution of his office, he shall swear or affirm,*

1. *That he will faithfully execute the office of president of the United States; and*

2. *That he will, to the best of his ability, preserve, protect and defend the constitution of the United States.*

This oath is administered to the president by the chief justice of the Supreme Court, and generally in the presence of thousands of people who have assembled to witness the

ceremony. As the Supreme Court had not been organized when Washington was inaugurated the oath was administered to him by Chancellor Livingston, of New York.

*Clause 6.—Vacancies*

*In case of the removal of the president from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation, or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly, until the disability be removed, or a president shall be elected.*

**Presidential Succession.** Three years after the adoption of the Constitution, congress passed a law which named the president *pro tempore* of the senate and the speaker of the house of representatives as the officers in the line of succession to the presidency, in case of the inability of both president and vice-president to serve.

By the death of President Garfield, Chester A. Arthur succeed to the presidency. It so happened that congress had not been called to meet in special session in March, 1881, and so neither house had organized. There was, therefore, no president *pro tempore* of the senate, nor speaker of the house. The question was often asked in those days, "Who will become president, in case President Arthur should die?"

*Present Law.* Four years later Vice-President Hendricks died, and there was neither a president *pro tempore* of the senate nor a speaker of the house. Congress, on assembling, considered several propositions relating to the line of succession to the presidency, and in 1886 adopted the following plan:

In case of the inability of both president and vice-president to serve, the members of the president's cabinet were designated to succeed to the presidency in the order named, provided they are eligible to the office of president by election.

1. Secretary of state.
2. Secretary of the treasury.
3. Secretary of war.
4. Attorney-general.
5. Postmaster-general.
6. Secretary of the navy.
7. Secretary of the interior.

The offices of secretary of agriculture and secretary of commerce and secretary of labor were not created until after the change in the succession to the presidency was made.

*Effect of Law.* The vice-president becomes president on the death, resignation, or removal of the latter, and he serves for the remainder of the term. A cabinet officer who succeeds to the presidency will serve till a new president has been elected, or, in other words, for the remainder of the term.

Presidents William Henry Harrison, Zachary Taylor, Abraham Lincoln, James A. Garfield and William McKinley died in office, and were succeeded by the vice-president in each case. Had President Johnson been convicted on impeachment and removed from office, the presidency would have passed to the president *pro tempore* of the senate. No cabinet officer has ever been called upon to act as president.

#### *Clause 7.—President's Salary*

*The president shall, at stated times, receive for his services a compensation which shall be neither increased nor dimin-*

*ished during the period for which he shall have been elected, and he shall not receive within that period any other emolument from the United States or any of them.*

**Salary.** The salary of the president is \$75,000 a year, and he has the use of the executive mansion, or "White House," which is furnished and cared for at the expense of the government, and \$25,000 a year for traveling expenses to be used at his discretion. The vice-president receives \$12,000 a year salary, and the president *pro tempore* of the senate the same amount, if called upon to preside during a session of congress, but otherwise his salary is the same as that of other senators. The salary of nearly all government officers is paid monthly.

**Expenses.** To many persons the salaries of president, congressmen, judges and other officers of the government seem large, but the expenses connected with these offices are so great, that many of the officers are not able to save anything from their salaries. Few of the presidents of the United States have accumulated any property while in office.

**European Rulers.** King George V is allowed a salary amounting to nearly \$2,000,000 a year, and an additional allowance of \$350,000 is made to the other members of the royal family. The other European nations pay large sums of money annually for the support of their rulers.

## SECTION II. POWERS OF THE PRESIDENT

### *Clause 1*

*The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states, when called into the actual service of the United States; he may require the opinion, in writing, of*

*the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.*

The president is not required or expected to take command of the land or naval forces of the United States, in person, but the Constitution does not prohibit him from doing this, if he should desire to do so. In time of war, military officers are appointed to the command of the different divisions of the army and navy, and the president exercises only general supervisory powers over their actions.

#### DEPARTMENTS OF GOVERNMENT

**Origin.** In the Constitutional Convention, it was urged by some members that the chief executive power should be vested in a council instead of in one person. While no action was taken with a view to the organization of a cabinet of advisers for the president, the language of this clause seems to imply that the government would be separated into departments for the proper enforcement of its laws.

There are now ten departments of the executive branch of our government. The title and the date of organization of each department are here given.

Department of State, September, 1789.

“ “ Treasury, “ “

“ “ War “ “

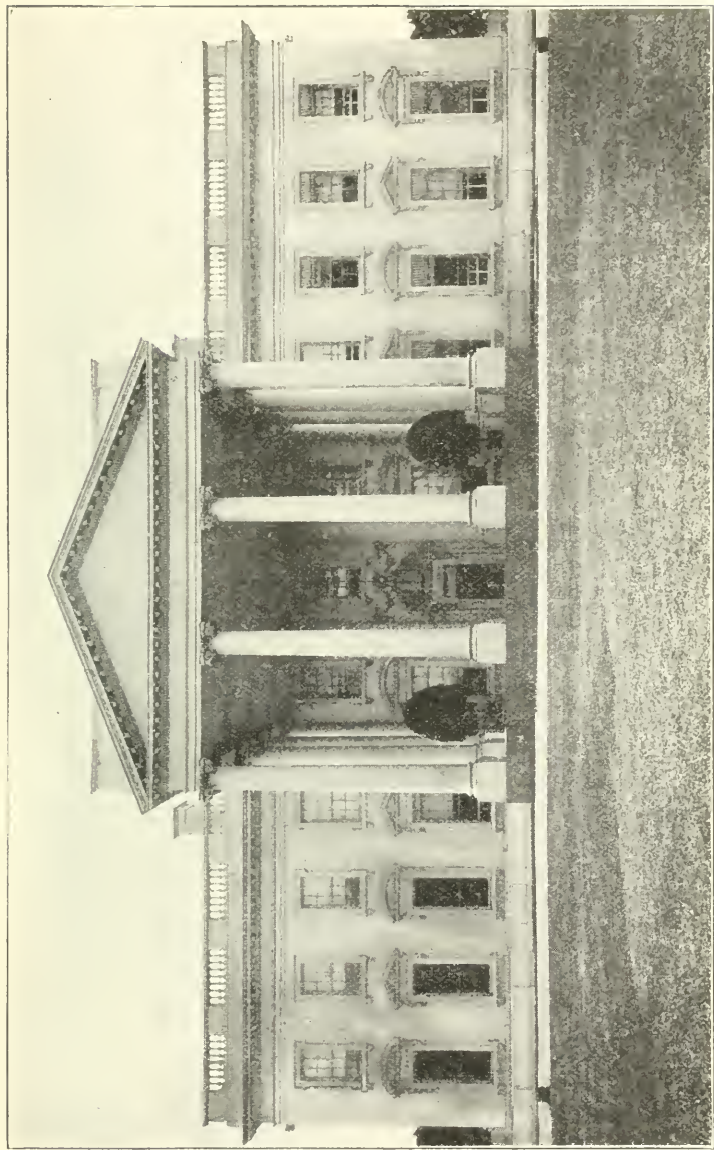
Postoffice Department, “ “

Department of Navy, May, 1798.

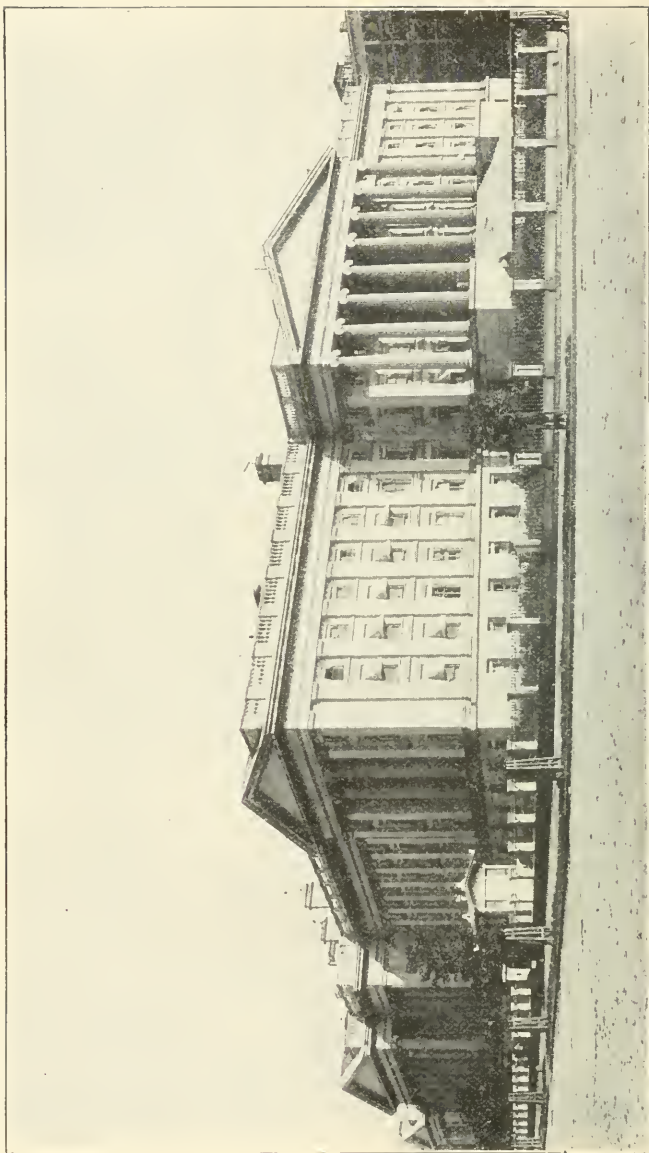
“ “ Interior, March, 1849.

“ “ Justice, June, 1870.





WHITE HOUSE, WASHINGTON, D. C.



UNITED STATES TREASURY, WASHINGTON, D. C.

Department of Agriculture, February, 1889.

“ “ Commerce and Labor, January, 1903.

“ “ Labor, March, 1913.

**Department of State.** The secretary of state is usually considered the highest officer in the cabinet, probably on account of the nature of his work. Under the direction of the president, he carries on the correspondence of the nation with foreign powers. He is the custodian of the great seal of the United States with which he seals all state papers signed by the president and countersigned by him. All laws of congress, amendments to the Constitution, and various proclamations of the president are published under his direction.

**Treasury Department.** The secretary of the treasury is the legal adviser of the president in all matters relating to the finances of the nation. He proposes plans for raising the necessary revenue for the support of the government, and the collection of all public money is entrusted to his care. He also furnishes annually to congress estimates of the probable receipts and expenditures of the government for the ensuing year.

*Bureaus.* Several important bureaus, or sub-departments of the government, are placed in charge of the secretary of the treasury. This is doubtless due to the fact that large sums of money are needed to carry on these special lines of work, and this officer should be familiar with their needs, in order to be able to make proper recommendations concerning the funds required to carry on their work.

*Treasurer of United States.* The treasurer of the United States is one of the principal officers of this department, and the money of the government is received and disbursed by him and his assistants as required by law. The commissioner of internal revenue, who also belongs to this department, superintends the collection of revenue of this kind

and sees to the enforcement of the internal revenue laws. The other bureaus are under the control of commissioners or superintendents who are under the general direction of the secretary of the treasury.

**Department of War.** The secretary of war is the chief officer of the department of war, and his duties are performed under the direction of the president. Certain general powers are conferred upon him by law. He makes estimates for the necessary expenses of his department, superintends the purchase of supplies for the army, and has charge of all matters pertaining to the improvement of rivers and harbors. To aid him in the discharge of his duties, certain assistants are appointed to take charge of special parts of the work of his department.

**Department of the Navy.** To the head of this department is entrusted the general supervision of the navy, under the direction of the president. He has the care of constructing the war vessels of the government, and he sees that they are properly manned, armed, and equipped for service. The navy-yards of the government, and the marine corps, are controlled by him.

**Postoffice Department.** The postmaster-general is in charge of the postal affairs of the government. He appoints all the subordinate officers of the postoffice department, except the first four assistants and postmasters whose salary exceeds \$1,000 a year. The amount of work done by this department is enormous. It includes the purchase of supplies for the postmasters and other postal employees of the United States, the printing of stamps and postal order blanks of all kinds, the supervision of the dead letter office, the railway and foreign mail service, the parcel post, the letting of contracts for carrying the mail, and, in fact, everything connected with the proper distribution of the correspondence of the people of the nation.

**Department of Justice.** The attorney-general is at the head of this department. He is legal adviser of the president and the members of the cabinet, and he is required to give general direction to attorneys and marshals in the different districts of the United States. The office of attorney-general was created in 1789, but the department of justice was not organized until 1870.

**Department of the Interior.** This is one of the most important departments of the executive branch of our government. The secretary of the interior is its chief officer, and under his direction all public business relating to pensions, patents and the census is carried on. He has the care of the national parks of the United States, and the distribution of all appropriations for agricultural and mechanical colleges endowed by the general government. The commissioner of the general land office, commissioner of Indian affairs and commissioner of education are some of the important officers of this department.

**Department of Agriculture.** The department of agriculture was established in 1889. Its highest officer is the secretary of agriculture, and he is required to attend to all public business relating to farming. The agricultural experimental stations of the country that receive any support from the general government are placed under his charge. Many valuable experiments in the culture of grain, fruit and vegetables are performed by this department, and the result of them is distributed to interested persons free of charge.

**Department of Commerce.** This department was created by act of congress, passed January 17, 1903. Its organization was the result of much discussion in business circles of the United States covering a period of more than twenty years. The purpose of the law is as follows:—It shall be the province and duty of said department to foster,

promote and develop the foreign and domestic commerce, the mining, manufacturing, shipping and fishery industries, the labor interests and the transportation facilities of the United States. The chief officer of this department is called the secretary of commerce and he is a member of the president's cabinet.

*Interstate Commerce Commission.* This commission consists of five members who are appointed by the president and confirmed by the senate. It has charge of the interstate commerce of the country, for the correction of abuses in the transportation of goods from one state to another. It has the power to call for reports from the railroad companies of the country as to their business in general, and specially with reference to the charges made for carrying goods different distances. The work of this commission is growing in importance and value to the people of the country, and many abuses in domestic commerce have been corrected by it. The commission was organized in 1887. The annual salary is \$10,000.

**Department of Labor.** The department of commerce and labor was separated into two departments in 1913. The work of each department is indicated by the title. The secretary of labor is a member of the president's cabinet, making the tenth member of that body.

**Term of Cabinet Officers.** The members of the cabinet are appointed for the presidential term, but in case of the death of the president it is customary for the cabinet to place their resignations in the hands of his successor, at once. The salary of each cabinet officer is \$12,000 a year.

### *Clause 2.—Consent of Senate*

*He shall have power, by and with the advice and consent of the senate, to make treaties, provided that two-thirds of*



*the senators present concur, and he shall nominate, and by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States, whose appointments are not otherwise herein provided for, and which shall be established by law; but congress may by law vest the appointment of such inferior officers as they may think proper, in the president alone, in the courts of law, or in the heads of departments.*

**Treaties.** The power of a nation to make treaties is often called a sovereign power. It was feared that a rash president, acting under impulse, might be led to exercise the treaty-making power, if vested in him, in an improper, or unsatisfactory, manner. On this account, the concurrence of the senate, by a two-thirds vote of the members present, is necessary to ratify a treaty of any kind between the United States and a foreign power.

**Appointments.** All important offices of the government, except those filled by election as provided for in the Constitution, are filled by appointment by the president, with the approval of the senate. Filling these offices places a great burden on the chief executive and the president must rely in a great measure upon the judgment of heads of departments, and members of congress, as to the fitness of those appointed. If the senate refuses to confirm an appointment, another must be made.

Appointments are made for the presidential term, but the president may at any time remove any officers, and it is customary for appointed officials to retain their positions until their successors are appointed and qualified by the succeeding administration.

**Civil Service.** Civil service is the term applied to the employees of the nation and state, not included in the mili-

tary, naval and judicial branches of the government. The civil service of the United States was established in 1883. The purpose of the act as declared in its title is "to regulate and improve the civil service of the United States." The act provides for a commission of three members, a chief examiner and a secretary, all with offices at Washington, D. C.

The service is divided into classes such as the Departmental Service, the Customs Service, the Postal Service, etc. Applications should be made to the Civil Service Commission at Washington, stating the class which the applicant wishes to enter. The necessary blanks will then be forwarded to be filled out and returned to Washington, or to such branch office as may be designated. Applicants must be citizens of the United States and of proper age. (The age limit is fixed for each class.) Political or religious belief, sex or color do not affect the applicants' standing, but persons addicted to the use of intoxicating liquors to excess are not eligible.

Applications are made through competitive examination. Two examinations a year are held, full directions for which can be obtained on application to the commission. The appointments are made on a six-months' trial. In 1915 there were about 470,000 government employees under civil service.

Officials who receive their appointment by the president with the concurrence of the senate, judges of United States courts, private secretaries and other confidential employees of heads of departments are not included in the civil service.

*Clause 3.—Vacancies—How Filled*

*The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.*



This clause was considered necessary in order that official positions in which vacancies occur may be filled by the chief executive during the time the senate is not in session. The appointment runs to the close of the next session of the senate, in order not to compel that body to change its plan of business, or to oblige it to reach a decision in the appointment of officers at any specified time.

### SECTION III. DUTIES OF THE PRESIDENT

*He shall from time to time give to congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all officers of the United States.*

**President's Message.** This report is called the President's Message. Washington and Adams delivered their messages in the form of an address to congress, but Jefferson resorted to a written message and this plan was followed without exception, until Wilson's administration. President Wilson returned to the first plan and has delivered his messages in person.

**Special Session.** Congress has been called in special session only a few times in our history, but the senate is often required to remain in session to confirm appointments, after the adjournment of the house of representatives. This often happens in the odd-numbered years, and especially those in which there is a change of president. The term of

office of representatives expires on the day the president is inaugurated and there may be no necessity for re-organizing the house at that time. The senate, by remaining in session a month or so at the beginning of the presidential term, can ratify the appointment of such officers as the president considers it necessary to name at that time.

**Diplomatic Corps.** The appointment of ambassadors, ministers, consuls and other representatives of our government to foreign countries is an important duty, and it is of scarcely less importance that the official representatives of other nations should be properly received by the president.

**Enforcement of Laws.** But the highest duty of the president is to see that the laws of the United States are properly enforced. The president cannot do this work alone, but, by the power vested in him, he commissions others to do the work. His work, officially, is to sign public documents, commissions, and other papers relating to the enforcement of the laws.

He signs the commissions of all officers of the United States. These commissions are countersigned by the secretary of state, and sealed with the great seal of the United States.

#### SECTION IV. REMOVAL FROM OFFICE

*The president, vice-president, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.*

The subject of impeachment is discussed on page 203.

**Treason. Bribery.** Treason is defined by the Constitution in language clear and definite. Bribery is one of the most difficult crimes to punish because of the difficulty of detection. The person who gives, or even offers a bribe

is guilty of a crime, but the constitutional provision given above applies only to civil officers. The punishment for bribery is fixed by law and the penalties are very severe.

Nearly all the states provide by law that any person found guilty of offering to purchase the influence of any officer or public agent by an offer of money, or other articles of value, is guilty of felony, and, in addition to other punishment, he is forever disqualified from exercising the right of suffrage, and from holding any position of honor, trust or profit, under the constitution or laws of the state.

### QUESTIONS AND SUGGESTIONS

1. If a person of sound mind were confined in an insane asylum, how could he procure his release?

2. Explain the difference between direct and indirect taxes.

3. Who pays the duty on silk? On cotton goods?

4. Is our present tariff a protective tariff? Give reasons for your answer.

5. Can an American citizen receive a title of nobility? Has such a title ever been conferred upon an American?

6. Could Iowa form an alliance with Canada? With Minnesota?

7. Was the president of congress under the Articles of Confederation president of the United States?

8. Is there any law against a president's holding his office more than two terms?

9. How many presidential electors has Iowa?

10. Supposing the next president should be elected by the house of representatives, how many votes would be required to elect?

11. Why was the present presidential succession law necessary? Has it ever been applied?

12. Debate: Resolved, that the members of the cabinet should have seats in congress and take part in the proceedings of that body.

13. When was the parcel post established? Of what benefit is it to the country?

14. If you wished to become a mail carrier how would you proceed to secure the position?

15. If the governor of Iowa should need the assistance of United States troops to quell an insurrection, what steps would he have to take to secure them?

16. Can the president order the Iowa National Guards into Illinois to quell an insurrection?

17. Debate: Resolved, that the president and vice-president of the United States should be elected by direct vote of the people.

18. If you were to travel abroad and desired a passport, to whom would you apply for it?

19. Can the president be required to enforce a law passed over his veto?

20. Debate: Resolved, that a direct tax is more just than an indirect.

## CHAPTER VIII

### ARTICLE III

#### JUDICIAL DEPARTMENT

**Necessity.** A judicial branch of the government was an absolute necessity. Under the Articles of Confederation, there was no tribunal to interpret the laws of congress, or to decide cases of law and equity between the states or the inhabitants thereof.

An effort was made to make this branch of the government as nearly independent of the other two branches as possible. To prevent the judges of the principal courts from feeling any dependence upon any other authority, these officers are appointed for a longer term than those of either of the other branches.

#### SECTION I. ORGANIZATION

*The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall at stated times receive for their services a compensation which shall not be diminished during their continuance in office.*

**Supreme Court.** The supreme court of the United States is the highest judicial authority of the nation. At first, there were six judges of the supreme court, and this

number was at one time increased to ten. As the court is often divided in opinion upon subjects referred to it for settlement, it was found advisable to have an odd number of judges compose the court. The number was then reduced to nine, which it now is, and any six members constitute a quorum. The decision of a majority of the court is the decision of the court. If any member objects to a decision that has been made by the court, he is privileged to render a minority opinion, differing from the action of the majority. One term of the supreme court is held at Washington each year, beginning on the first Monday in December.

*Chief Justice.* One of the members of the supreme court is known as the chief justice, and the other eight, as associate justices. If a vacancy occurs in the office of chief justice, the position is filled by appointment in the usual way, and thus it sometimes happens that a person who has had no experience as judge of any court may be appointed chief justice of the United States supreme court.

*Tenure of Office.* Judges of the supreme court and several of the inferior courts are appointed to serve during good behavior. This provision is certainly a wise one, as it insures impartial decisions. If judges were appointed for a short time of service, they might be influenced by an undue desire for re-election, and their decisions might be modified, more or less, on that account.

*Retirement.* Judges, whose tenure of office is good behavior, may retire from active service on arriving at the age of seventy, provided they have had at least ten years' service in the position to be resigned. They receive full salary for the remainder of their lives.

*Attorney-General.* The attorney-general is at the head of the Department of Justice and a member of the president's cabinet. His duties consist in appearing before the supreme court as a lawyer to defend the interests of the

United States, and in furnishing the president and heads of departments of the government legal opinions upon questions submitted to him.

**Circuit Courts.** Congress has provided for such inferior courts as have been found necessary. The circuit courts are inferior only to the supreme court. The United States is separated into nine judicial circuits, and a justice of the supreme court is assigned to each of these circuits as circuit judge *ex-officio*. It is the duty of the justice of the supreme court to hold one session of circuit court at every place in his circuit where such court is held, at least once in two years.

**Judges.** Two circuit judges are also appointed for each of the circuits of the United States. Their time is occupied with the duties of their office, except as explained hereafter. The tenure of office of circuit judges is practically for life, as the only limitation fixed by the constitution for judges in general is "during good behavior." An additional circuit judge is appointed for the second, third, fifth, sixth, eighth, and ninth circuits, on account of the vast amount of business to be done by this court in those districts.

**Judicial Circuits.** The circuits of the United States are as follows:

1. Maine, New Hampshire, Massachusetts, and Rhode Island.
2. Vermont, Connecticut, and New York.
3. New Jersey, Pennsylvania, and Delaware.
4. Maryland, West Virginia, Virginia, North Carolina, and South Carolina.
5. Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.
6. Ohio, Michigan, Kentucky, and Tennessee.
7. Indiana, Illinois, and Wisconsin.

8. Minnesota, Iowa, Missouri, Arkansas, Nebraska, Kansas, Colorado, North Dakota, South Dakota, Wyoming, Utah, New Mexico, and Oklahoma.

9. California, Oregon, Nevada, Montana, Washington, Arizona, and the territories of Alaska and Hawaii.

**Circuit Court of Appeals.** In 1891, congress authorized a circuit court of appeals for each judicial circuit of the United States. The judge of the supreme court, the circuit and district judges of any circuit are made the judges of this court. When the court has been organized with a full bench, there are present, the judge of the supreme court assigned to that circuit, either circuit judge of the circuit, and any of the district judges within the circuit. Any two such judges constitute a quorum, and they may transact regularly all the business of the court.

*Presiding Officer.* The judge of the supreme court, if present, serves as the presiding officer of the circuit court of appeals, but in his absence, the court is presided over by the circuit judge present who has had the longest term of service.

*Sessions.* One term of this court is held annually, and the place of meeting in each circuit is designated by law as follows:

First Circuit, Boston;  
Second Circuit, New York;  
Third Circuit, Philadelphia;  
Fourth Circuit, Richmond;  
Fifth Circuit, New Orleans;  
Sixth Circuit, Cincinnati;  
Seventh Circuit, Chicago;  
Eighth Circuit, St. Louis;  
Ninth Circuit, San Francisco.

*Purpose.* This court was designed as a means of relieving the supreme court of the United States, and also the



existing circuit courts. Both of these courts had been crowded with business, which was delayed year after year, and some relief became absolutely necessary.

*Appeals.* The most important provision of the law relating to the jurisdiction of the circuit court of appeals is, that no appeal shall hereafter be taken from the district courts to the existing circuit courts. Such appeals may be taken to the supreme court or to the circuit court of appeals. Appeals in certain cases may be made from the regular circuit court to the circuit court of appeals, but the judge before whom any cause was tried in the lower court is prohibited from serving as a judge of the composite court.

**District Court.** Each judicial circuit is separated into several districts, and there is a district judge appointed for each district. Judges of this court are appointed to serve during good behavior. Their appointment is made in the same manner as the other United States judges, and they are given the same privilege of retiring from active service at a specified time.

*District Attorney.* Each judicial district has a district attorney appointed by the president to represent the government in cases arising in the district and circuit courts.

*Other Officers.* Each district has a United States marshal, whose duties correspond, in general, to those of county sheriff. The district attorneys and marshals are appointed for an indefinite time, although the term is nominally four years, and a change of the political party in power generally brings about a change of all these officers. Each court also has a clerk who is appointed by the judge of that court. Each principal names such assistants as are necessary to aid him in the discharge of his duties, and he is responsible for the work done by them.

**Court of Claims.** This court was established in 1855, and it has an important work to perform. It has jurisdic-

tion over certain claims against the United States which involve disputed points of law, "where the amount claimed exceeds three thousand dollars, or where the decision will effect a class of cases or furnish a precedent for the action of any executive department in the adjustment of a class of cases, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution."

The chief of any department may refer to this court any claim that it may have pending, and it then becomes the duty of the court to look up the law involved and give its opinion as to the validity of the claim. The departments are thus relieved of much business that can be done in a more careful manner by the court of claims. Congress also refers certain claims to this court for investigation.

If a claim brought against the United States is examined by the court of claims and allowed, the amount is paid out of the treasury of the United States without a special appropriation by congress. Claims referred to this court by any department or by congress are not allowed by the court, but its recommendations in such cases are generally followed.

*Membership.* The court consists of five members, and the concurrence of three members is necessary to decide a case. The regular annual sessions are held at Washington, beginning on the first Monday in December. Claims to be settled by this court must be commenced within six years from the time they originated.

**Supreme Court of District of Columbia.** The supreme court of the District of Columbia is an important court. It has charge of such cases as are tried in the circuit and district courts of the United States, but its jurisdiction is limited to the district. It consists of a chief justice and five associates. There is also a court of appeals of the District of Columbia, consisting of three members, one of whom is

known as the chief justice. The term of office of these judges is during good behavior.

**Territorial Courts.** The outlying possessions of the United States—Alaska, Hawaii, the Philippine Islands and Porto Rico—have territorial courts. Each territory is divided into judicial districts, the judges for which are appointed by the president. The judges of the territory sitting together constitute the Supreme Court of the territory. Cases appealed from the district courts are examined by the supreme court. When the court consists of an even number of judges the division of one-half the number is the division of the court, otherwise a majority is required for a decision. The term of the judges is four years, but their term expires with the admission of the territory as a state.

**Salaries.** The salaries of all officers of the judicial branch of our government are fixed by act of congress, and are payable monthly.

*Supreme Court.* The salary of the chief justice of the supreme court is \$15,000 a year, and that of the associate justices, \$14,500. The justice of the supreme court who serves as circuit judge in the ninth circuit is allowed \$1,000 a year as additional compensation for traveling expenses.

*Circuit and District Judges.* Circuit judges and judges of the circuit court of appeals are paid \$7,000; district judges, \$6,000.

*Other Courts.* The chief justice of the court of claims receives \$6,500 and the associate justices \$6,000. The chief justice of the court of appeals, District of Columbia, receives \$6,500 and the associate justices \$6,000. The chief justice of the supreme court of the District receives \$5,500 and the associate justices \$5,000.

**Time and Place of Meeting.** The terms of the circuit and district courts of the United States are held in the

several divisions of the northern district of Iowa as follows:—In the Cedar Rapids division, at Cedar Rapids, on the first Tuesday in April, and the second Tuesday in September. In the eastern division, at Dubuque, on the fourth Tuesday in April, and the first Tuesday in December. In the western division, at Sioux City, on the fourth Tuesday in May, and the first Tuesday in October. In the central division, at Fort Dodge, on the second Tuesday in June, and the second Tuesday in November.

In the southern district of Iowa, the terms are held as follows:—In the western division, at Council Bluffs, on the second Tuesday in March, and the third Tuesday in September. In the eastern division, at Keokuk, on the second Tuesday in April, and the third Tuesday in October. In the central division, at Des Moines, on the second Tuesday in May, and the third Tuesday in November.

## SECTION II. JURISDICTION OF COURTS

### *Clause 1.—Extent*

*The judicial power shall extend to all cases, in law and equity, arising under this constitution, the laws of the United States, and treaties made or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state or the citizens thereof, and foreign states, citizens, or subjects.*

**Jurisdiction.** This clause was intended to define in general terms the jurisdiction of the courts of the United States, but, as will be seen, there is no division of authority made by the Constitution. The supreme court determines the constitutionality of laws passed by congress, when an appeal has been made to it, in a proper manner, from a lower court.

*Law. Equity.* Cases of law are generally under the original jurisdiction of the inferior courts, subject to appeal to the supreme court, as provided in the clause relating to that court. Equity cases are those which are not covered by express terms of any law, but are such as, in justice, demand settlement by the courts of the land.

*Kinds of Jurisdiction.* Jurisdiction is original, appellate, concurrent, or exclusive. When a suit must be commenced in a certain court, that court is said to have original jurisdiction over the matter. If a case that has been decided by one court may be appealed to a higher court, the latter is said to have appellate jurisdiction. If a suit may be commenced in either of two courts, at the option of the plaintiff, the courts have concurrent jurisdiction. And when a case may be settled by the court in which it is first examined, and from whose decision there is no appeal, the jurisdiction is exclusive.

### *Clause 2.—Jurisdiction of the Supreme Court*

*In all cases affecting ambassadors, other public ministers, and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.*

**Supreme Court.** In the class of cases mentioned in the first sentence, the Supreme Court alone has jurisdiction. The decision of this court is final. Certain cases may be settled by the inferior courts, and from their decision there is no appeal, but, as a rule, a party aggrieved by the decision of a lower court may appeal to the Supreme Court.

*Circuit Court.* In general, the circuit courts of the United States have original jurisdiction over civil cases in which the amount of money or the value of property involved is not less than \$2,000. It is also a court of equity, and a court for the trial of cases arising under the patent and copyright laws of the United States.

*District Court.* The district courts of the United States are entrusted with the punishment of crimes committed in violation of United States law. They have general jurisdiction over admiralty cases, crimes committed on the high seas, counterfeiting, violations of the revenue laws, and bankruptcy.

### SECTION III. TREASON

#### *Clause I.*

*Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.*

This definition of treason is a clear one, requiring little explanation. It is understood by the term "overt act," that some definite act of treason must be done to bring a person under penalty for treason. The mere conspiring against the government or entering into a plot to subvert its authority is not treason. There must be two witnesses who tes-

tify to the same overt, or public, act of treason, or the offender must confess his crime in open court, in order that there may be conviction.

*Clause 2.—Punishment*

*The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.*

This prohibition upon congress to pass a bill of attainder of treason seems a strange one to us in these days of personal liberty, but not many generations before the adoption of the Constitution, parliament passed very severe laws for the punishment of treason among British subjects. The person deemed guilty of treason was often seized and put to death with great cruelty, his property was confiscated by the crown, and his legal heirs were declared to be disqualified from inheriting or transmitting property. This clause shows the growth of liberal sentiment in matters of government.

*Clause 3.—Crimes*

*The trial of all crimes, except in cases of impeachment, shall be by jury, and such trial shall be held in the state where said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as congress may by law have directed.*

**Jury Trial.** The right to a trial by jury in criminal cases is guaranteed to all persons accused within the United States. This rule applies in all such cases, whether in violation of state or national law. In colonial times, persons accused of crimes were taken to England to be tried. This



was considered very unjust, and this practice was one of the causes of the Revolution. Impeachment is excepted, because the Constitution provides the method by which such cases are to be disposed of.

*Punishments.* Congress has provided by law for the punishment of offenses committed in the territories, and in other places subject to the authority of the general government, but not under state control. The states are given control of their boundary rivers to the middle of the main channel for the purpose of preventing them from becoming a highway of escape for criminals.

### QUESTIONS AND SUGGESTIONS

1. If a person were arrested for passing counterfeit money, in what court would he be tried?

2. John Jones sent Henry Smith a letter by mail challenging him to fight a duel. To what official should Smith apply to secure Jones's arrest and trial for violating the postal laws?

3. What justice of the supreme court presides over the circuit court in your circuit?

4. Who are the justices of the supreme court? Who is chief justice?

5. If you should sue the state of Iowa, in what court would the case be tried?

6. What body decides whether or not an act of congress is constitutional?

7. Who appears for the United States when the government is party to a case on trial before the supreme court?

8. Could a justice of the supreme court of Iowa preside over a United States court?

9. Debate: Resolved that trial by jury should be abolished.



## CHAPTER IX

### ARTICLE IV

#### THE RELATIONS OF THE STATES

##### SECTION I. STATE RECORDS

*Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.*

**Value.** This provision served to place the states on a friendly footing. In no other way could the founders of the Constitution hope to establish justice among the states. So valuable has this clause proved, that the decision of a suit at law in one state is very often made the basis of settlement of a similar case in another state.

*Illustration.* Each state may have its own statutes relating to records of different kinds. For example, South Dakota requires two witnesses to the signature of persons deeding real estate, in addition to the proper acknowledgment of the signatures before some officer authorized to take such acknowledgment. In Iowa, no witnesses are required. A resident of South Dakota, wishing to deed land he may own in Iowa, must comply with the Iowa law, and a person in Iowa, to properly deed land in South Dakota, must comply with the law of the latter state.

*Certified Records.* Certified copies of records and judicial proceedings may be sent from one state to another to be used in evidence, and, if properly certified, they have the same force and effect as though they had occurred in the state in which they are to be used by transcript.

## SECTION II. RELATIONS OF CITIZENS

### *Clause 1.—Citizens*

*The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.*

This clause was the outgrowth of the bitter experience of some of the states in their dealings with their neighbors. Petty jealousies caused some of the states to deny to the surrounding states certain privileges that were granted to the citizens of more remote states. The wisdom of this clause is apparent.

### *Clause 2.—Fugitives from Justice*

*A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.*

**Requisition.** The demand of the executive authority of a state for the surrender of an escaped criminal is called a requisition, and the official papers are known as requisition papers. Criminals fleeing from justice often cross the boundary line of a state for the purpose of gaining time, as a warrant issued in one state can not legally be served in another. The governor of a state seldom refuses to grant the request made in a requisition, although that sometimes

happens. If it were not for this provision crime would be much more frequent than it now is.

*Extradition.* The plan of giving up criminals, when application has been made in the proper manner, is often resorted to by nations. The laws relating to this subject are called extradition laws. The United States has made extradition treaties with many of the leading nations of the earth.

*Clause 3.—Fugitives from Service*

*No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on a claim of the party to whom such service or labor may be due.*

This clause is obsolete owing to the abolition of slavery.

SECTION III. NEW STATES AND TERRITORIES

*Clause 1.—The Admission of New States*

*New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor shall any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned, as well as of the congress.*

**New States.** There were thirteen states known as the original states at the time of the adoption of the Constitution. That instrument wisely made provision for the formation and admission into the Union of states from territory to be organized in the future. With the admission of Arizona and New Mexico in 1912, the boundaries of the United

States proper disappeared. The Federal Union now includes 48 states and no contiguous territories.

**Territorial Growth.** The territorial growth of the United States is one of the most remarkable phases of modern history. The chief facts concerning their growth are shown in the following table:

TERRITORIAL DIVISION	YEAR	AREA ADDED (SQ. M.)	PURCHASE PRICE
Louisiana .....	1803	875,025	\$15,000,000
Florida .....	1819	70,107	5,499,768
Texas .....	1845	389,795	.....
Oregon Territory .....	1846	288,689	.....
Mexican Cession .....	1848	523,802	18,250,000
Gadsden Purchase .....	1853	36,211	10,000,000
Alaska .....	1867	590,884	7,200,000
Hawaiian Islands .....	1897	6,449	.....
Porto Rico .....	1898	3,435	.....
Guam .....	1898	210	.....
Philippine Islands .....	1898	114,958	20,000,000
Tutuila (Samoa Is.) .....	1899	77	.....
Additional Philippines .....	1901	68	100,000
Panama Canal Strip .....	1903	474	.....
Total .....		2,900,184	\$77,039,768*
Original Territory .....		827,844	
Total .....		3,728,028	

\*This does not include \$10,000,000 paid to Texas for territory outside of its present boundaries, but included in the state at the time of annexation.

*Alaska and Hawaii.* Alaska and Hawaii are organized territories. The governor, secretary and judges of the courts are appointed by the president. The governor and secretary appoint the officers in their respective departments. Each territory has a legislature of two branches, and sends a delegate to Congress. These delegates may take part in

discussions of matters pertaining to the welfare of territories of the United States, but they have no vote. Their salary is the same as that of representatives.

*Other Insular Possessions.* Porto Rico and the Philippine Islands are not organized territories, but their form of government is similar to that of a territory. Each has a commission appointed by the President of the United States, some members being taken from the United States and others from the islands. The legislature in the Philippines consists of the Philippine Assembly, the members of which are chosen at a general election. The legislature in Porto Rico consists of the executive council or upper house, composed of the governor, secretary, attorney-general, treasurer, auditor, commissioner of education and five citizens appointed by the president, and the house of delegates or lower house elected by the people.

Guam and Tutuila are small islands in the Pacific Ocean, the latter being one of the Samoa Islands. The governor for each is a naval officer nominated by the Navy Department, and appointed by the president. The Wake Islands lie between Hawaii and Hong Kong. They are an important submarine cable station. The Midway group is occupied by a company of telegraphers.

*Panama Canal Zone.* Civil government in the Canal Zone is administered by a governor appointed by the president. For purposes of administration the government is divided into the following departments: Executive, Operation and Maintenance, Supplies, Accounting, Health, Washington Office, Panama Railroad. Col. George W. Goethals, the builder of the canal, was appointed the first governor.

**Change from Territory to State.** Should Alaska and Hawaii desire to become states they would have to take the following steps to secure admission into the Union:

1. The delegate from the territory desiring admittance would present this desire to congress.

2. If congress approved an enabling act would be passed, authorizing the territory to call a convention to frame a constitution.

3. This constitution would be submitted to the people of the territory and voted upon. If adopted the constitution would

4. Be submitted to the president and to congress for approval.

5. Should the constitution be approved, congress would pass a law declaring the territory a state.

6. The star indicating the admittance of a new state to the Union would be officially added to the flag on the Fourth of July following the passage of the act of admission.

#### SECTION IV. STATE GOVERNMENT

*The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.*

**Control Necessary.** In order that this clause may be properly enforced, congress must consent to the admission of a new state after the proposed constitution has been accepted by the people of the territory seeking admission. In case any rights or privileges of a free people are denied or abridged, or if the proposed constitution is objectionable for any other reason, congress may refuse to admit the territory as a state. The people of Iowa territory made three attempts to gain admission before their efforts were crowned with success. Congress passed a bill for the admis-

sion of Colorado in 1866, and another in 1867, but both were vetoed by President Johnson.

*Invasion. Insurrection.* Since the states surrendered to congress the control of the army and navy of the nation, it is right that there should be some guaranty of protection to the states in case of invasion or insurrection. During the labor troubles of 1894, the president sent United States troops to Chicago to aid in suppressing the strikes. It is not often that troops have been needed for the purpose indicated in this section.

## CHAPTER X

### ARTICLE V

#### AMENDMENTS TO THE CONSTITUTION

*The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or on application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as a part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress; provided, that no amendment, which may be made prior to the year one thousand eight hundred and eight, shall, in any manner, affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.*

**Processes.** The Constitution provides two methods for its own amendment, but the first method has alone been tried. All the amendments that have been adopted were proposed by congress and ratified by the state legislatures. Nearly a thousand amendments have been proposed in congress, but only seventeen have been adopted.

**Bill of Rights.** That the Constitution was not entirely satisfactory to the people at the time of its adoption is shown by the fact that the first ten amendments were proposed by



congress at its first session. These amendments are often called the "Bill of Rights." They were ratified by the states, and declared to be a part of the Constitution in 1791. Twelve amendments were voted on at this time, but only ten of them received the approval of the states.

*Other Amendments.* The eleventh amendment was adopted in 1798 and the twelfth in 1803. There were no other amendments until the close of the Civil War, when the thirteenth, fourteenth and fifteenth were adopted. These amendments virtually contain all clauses in the Constitution pertaining to slavery. "The thirteenth amendment freed the negro, the fourteenth made him a citizen, and the fifteenth gave him the right to vote."

The sixteenth amendment, adopted in 1913, gives Congress the power to lay and collect taxes on incomes; the seventeenth, adopted in 1913, provides for the election of United States senators by the people.

## ARTICLE I

### FREEDOM GUARANTEED

*Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble and to petition the government for a redress of grievances.*

**Religious and Political Freedom.** One of the chief causes leading to the founding of English colonies in America was religious persecutions. Closely allied with this was political persecution, which caused citizens to be imprisoned and sometimes to suffer death for uttering or publishing criticisms on the government or any of the prominent officials. The members of the Constitutional Convention were keenly

alive to these conditions and determined that they should never become possible in the United States.

This clause should not be interpreted, however, to confer a license to utter publicly anything of a slanderous nature, knowing such to be false. To guard against this, every state has enacted libel laws which hold the citizens thereof responsible for their public utterances. Under these laws the original party may bring suit for damages against the party making such false statements. Therefore public utterances tending to injure the character of another, whether as a public official or a private citizen, should be made with great care.

## ARTICLE II

### RIGHT TO BEAR ARMS

*A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.*

The subject of the militia has been discussed in another part of this volume. This amendment must not be construed to give individuals the right to carry concealed weapons. Such a practice is considered a dangerous one, and is made a misdemeanor by most of the states.

## ARTICLE III

### QUARTERING SOLDIERS

*No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.*

The "quartering act," passed by parliament, aroused the anger of the people of Massachusetts in the days preceding

the Revolution. It is no wonder that the people desired to be secure against military interference in either peace or war. As we are not a warlike people, it has always been the policy of the government to make the military subordinate to the civil power.

## ARTICLE IV

### SECURITY AGAINST UNWARRANTED SEARCHERS

*The right of people to be secure in their persons, houses, papers, and effects, against unreasonable searches, and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.*

**Search Warrant.** If a person suspects that property which has been stolen from him is secreted in a certain place, he may go before a justice of the peace or other similar officer and swear out a search warrant. That is, he must take oath that he has good reason to believe that the missing property is there secreted. The search warrant will be placed in the hands of a sheriff or constable, and the search made as authorized by the warrant. General search warrants are prohibited by this amendment.

## ARTICLE V

### LIFE, LIBERTY AND PROPERTY

*No person shall be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war, or public danger; nor shall any person be subject for*

*the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.*

**Purpose.** This article applies to all the states, as well as to cases arising under United States law. Nearly all the states have incorporated this amendment in their constitutions. Offenses in the army, navy and militia are punished by court martial.

*Persons Accused.* When a person accused of crime has been convicted and punished for the offense, he cannot be required to submit to another trial or punishment. In case of a disagreement of a jury, the person accused will be held for a second trial. It is a wise provision that grants to a person accused of crime the right to remain silent, if he chooses. This is on the principle that every person charged with crime is considered innocent until he has been proved guilty. The right to a fair and impartial trial is also assured to every criminal.

*Property Condemned.* Private property cannot be seized to satisfy debts or judgments, without due process of law. It sometimes becomes necessary to convert private property to the use of the public. Property thus taken is said to be condemned, and this can be done only by awarding to the owner just compensation for the property seized.



## ARTICLE VI

### RIGHTS OF PERSONS ACCUSED

*In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascer-*

*tained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor; and to have the assistance of counsel for his defense.*

**Fair Trial.** It will be seen that it is the purpose of the constitution to give every person accused of crime the benefit of any reasonable doubt as to his guilt, and also to put him to as little inconvenience as possible in submitting to a trial. Not every person accused of crime is found guilty, and it is intended that innocent persons shall not be made to suffer for offenses committed by others.

*Judicial Districts.* The districts referred to are designated by congress or by the state legislature. Iowa is separated into two United States judicial districts—northern and southern—and violators of the laws of congress are tried in the district in which the offense is committed. Each county is a district for judicial purposes in most of the states for the enforcement of state law.

*Rights of Accused.* A person accused of crime must be informed of the nature of the offense, and he must also be confronted by the witnesses against him. Witnesses summoned in behalf of a person accused of crime are compelled to attend the trial, and counsel for the accused is also provided—at the expense of the state, if necessary. No pains will be spared to enable a person to show himself to be innocent of the crime with which he is charged, if it can be done.

## ARTICLE VII

### JURY TRIAL IN COMMON-LAW SUITS

*In suits at common law, where the amount in controversy shall exceed twenty dollars, the right of trial by jury shall*

*be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of common law.*

This doubtless is intended to apply to civil suits, and to any other cases not specially designated by preceding amendments. In the trial of any case, the judge or justice interprets the law as he understands it, and the jury arrives at the facts in the case, so far as they are brought out by the evidence. A new trial may be held before the same court for good cause shown. In the hearing of a case before a higher court on appeal, the facts, as shown in the lower court may be examined for the purpose of determining whether the court's rulings have been properly made, and whether the law in the case has been properly applied, or not.

#### ARTICLE VIII

##### EXCESSIVE BAILS, FINES AND PUNISHMENTS FORBIDDEN

*Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishment inflicted.*

The language of this article is in harmony with the other amendments relating to punishments. Bail should not be excessive, and fines are intended to be commensurate with the nature of the offenses to be punished. Our courts are disposed to be lenient in dealing with criminals, and yet justice tempered with mercy is to be desired in many cases, rather than justice with undue severity.

#### ARTICLE IX

##### RIGHTS RESERVED

*The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.*

It is intended that all rights properly belonging to a free people shall be enjoyed by the inhabitants of the United States. This clause reserves to the people all their personal rights, except such as are specially surrendered for the common good by express provisions of the Constitution.

## ARTICLE X

### LIMITATIONS OF THE NATIONAL GOVERNMENT

*The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.*

This amendment is so plain that its purpose is easily understood. By it we are to understand that any powers not specially delegated to the general government are reserved to the states respectively, or to the people. In other words, the powers of our national government are fully defined in the Constitution.

## ARTICLE XI

### LIMIT TO JURISDICTION OF UNITED STATES COURTS

*The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.*

By this amendment it is provided that a state cannot be sued by a citizen of other states, or by subjects of any foreign power. It is supposed that a state will be willing to pay its honest debts, if able to do so. A claim against a state, not specially provided for by law, is paid by an appropriation made by the legislature.

## ARTICLE XII

## METHODS OF CHOOSING PRESIDENT AND VICE-PRESIDENT

This amendment is discussed fully in connection with the executive branch of the government.

## ARTICLE XIII

## SLAVERY

*Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.*

*Congress shall have power to enforce this article by appropriate legislation.*

This article abolished slavery. The Emancipation Proclamation, issued by President Lincoln in 1863, was intended as a war measure, and while its purpose was to free the slaves in those districts which were then in rebellion against the government, it did not disturb slavery as an institution.

## ARTICLE XIV

## RECONSTRUCTION

## SECTION I. CITIZENSHIP

*All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any*



*state deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.*

Until the adoption of the fourteenth amendment, citizenship was a subject about which there was much dispute. It was claimed by some that citizenship can only be conferred by the general government, while others were equally certain that the whole subject is one that each state must settle for itself. The language of the amendment is so clear as to leave no doubt as to the use of the term citizen. This amendment was adopted especially in the interest of the negroes who had been freed from slavery.

#### SECTION II. REPRESENTATION

*Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.*

The effect of this section was to include the emancipated slaves in the basis of representation. When the constitution was adopted, it provided that in addition to the white population and Indians who were taxed, three-fifths of all other persons should be counted in apportioning representa-

tives. By this plan, five slaves were counted as three whites.

The latter part of the section is intended to prevent the states from placing any restriction upon the right of the negro to vote, if qualified according to the constitution of the state in which he resides. And in case any such restriction is made, the persons thus deprived of the right to vote are not to be counted in determining the representation of that state in congress.

### SECTION III. EFFECTS OF REBELLION

*No person shall be a senator or representative in congress or elector of president or vice-president, or hold any office, civil or military, under the United States, or under any state, who, having previously taken oath, as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same or given aid or comfort to the enemies thereof. But congress may, by a two-thirds vote of each house, remove such disability.*

This section has special reference to those who had engaged in rebellion against the United States during the Civil War. President Johnson pardoned all participants in the war who would take the oath of allegiance to the United States, and nearly all of the Confederates accepted his offer. The amendment, however, is still in force, and should any body of citizens engage in rebellion against the government they would thereby deprive themselves of the right to vote.

### SECTION IV. WAR DEBTS

*The validity of the public debt of the United States, authorized by law, including debts incurred for the payment*

*of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned, but neither the United States, nor any state, shall assume or pay any debt or obligation incurred in aid of rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.*

#### SECTION V

*The congress shall have power to enforce by appropriate legislation the provisions of this article.*

The debt of the United States was enormous at the close of the Rebellion, amounting, as it did, to almost three billion dollars. In addition to paying this debt, the government is pledged to the payment of bounties and pensions allowed Union soldiers for their efforts in putting down the Rebellion. A few years ago, fully one-third of the total revenue of the government was used for the payment of pensions.

The debt of the Confederate States incurred in waging war against the government was repudiated, but the claims of those citizens in the Confederate States who remained loyal to the Union throughout the war, for property destroyed, were generally allowed.

#### ARTICLE XV

##### SECTION I. SUFFRAGE

*The rights of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.*

## SECTION II

*The congress shall have power to enforce this article by appropriate legislation.*

The purpose of this amendment is very clear, but its effect shows clearly how a state may avoid complying with the spirit of the Constitution in matters in which the state is supreme. Since the qualifications of voters are determined by the state, many Southern States have passed laws requiring educational and property qualifications for voting which practically disfranchise many negroes.

## ARTICLE XVI

## INCOME TAX

*The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration.*

**Proposed in 1909.** This amendment was proposed by congress in 1909, because a previous income-tax law passed by that body was declared unconstitutional by the Supreme Court. The income-tax law passed after the adoption of this amendment applies to all citizens of the United States, whether at home or abroad, to resident aliens and, in some instances, to non-resident aliens.

## ARTICLE XVII

## DIRECT ELECTION OF SENATORS

## SECTION I

*The senate of the United States shall be composed of two senators from each state, elected by the people thereof for*

*six years, and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislatures.*

## SECTION II

*When vacancies happen in the representation of any state in the senate the executive authority of such state shall issue writs of election to fill vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.*

## SECTION III

*This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution.*

The effect of this amendment has been explained in connection with the election of senators.

## QUESTIONS AND SUGGESTIONS

1. Why are marriages solemnized in one state legal in all states?
2. What were the last states admitted to the Union?
3. How are each of the following governed: Porto Rico? Philippines? Panama Canal Zone?
4. How many stars in the United States flag? How many stripes? What does the number of stripes represent?
5. Could Iowa change its government to any form but republican?
6. Why were so many amendments to the Constitution ratified soon after its adoption?

7. What powers are reserved to the people?
8. Can a state repudiate its debts? Have any states ever repudiated their debts?
9. What led to the proposal and ratification of the seventeenth amendment to the Constitution?
10. Debate: Resolved, that the income tax should be abolished.

## CHAPTER XI

### CONSTITUTION

#### ARTICLE VI

##### GENERAL PROVISIONS

###### *Clause 1.—Debts Assumed*

*All debts contracted and engagements entered into before the adoption of this constitution, shall be as valid against the United States under this constitution as under the confederation.*

The credit of the new government was at stake, and while it was suggested by some members of the Constitutional Convention that the debts incurred during the Revolution need not be assumed by the new government, it was agreed that the debts of the Confederation should be recognized as debts under the Constitution. It was a heroic deed, and this stands as a glowing tribute to the honor and integrity of the founders of our government.

###### *Clause 2.—Supremacy of the Nation*

*This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in*

*the constitution or laws of any state to the contrary notwithstanding.*

**Nation Supreme.** It would seem as though there could be no misunderstanding of the language of this clause, and yet the doctrine of "state's rights" was openly advocated for many years. That doctrine was, in substance, that whenever a conflict arose between the nation and any state, the authority of the state was considered supreme.

*Laws of Congress.* It sometimes happens that congress passes a law which is in opposition to the provisions of the constitution of some state. While the authority of congress is supreme in such cases, it is customary to give the state or states affected a reasonable time in which to make the necessary changes.

### *Clause 3.—Oath of Office*

*The senators and representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.*

Every civil officer of the United States and of the several states is required to take an oath of office. Those who are opposed to subscribing to an oath, on account of conscientious scruples, are permitted to solemnly affirm that they will support the Constitution of the United States (and of the state, if a state officer), "under the pains and penalties for perjury."

The abolition of a religious test as a qualification for office



seemed strange to many people a century ago. At that time nearly every civilized nation on the earth required that its officers should all be members of the established church. The religious freedom guaranteed in other parts of the Constitution could hardly have been made practicable without the addition of this clause.

## ARTICLE VII

### RATIFICATION OF THE CONSTITUTION

*The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying, the same.*

The refusal of Maryland to ratify the Articles of Confederation for so many years led to the adoption of this article. It was thought proper for the new government to begin its work whenever the assent of two-thirds of all the states had been given to the Constitution. By the time the government was organized, eleven states had agreed to be governed by the new plan, and it was not long until the remaining two of the thirteen original states were added to the sisterhood.



## APPENDIX I

### CONSTITUTION OF IOWA

**Preamble.** We, the People of the State of Iowa, grateful to the Supreme Being for the blessings hitherto enjoyed, and feeling our dependence on Him for a continuation of those blessings, do ordain and establish a free and independent government, by the name of the *State of Iowa*, the boundaries whereof shall be as follows:

**Boundary.** Beginning in the middle of the main channel of the Mississippi river, at a point due east of the middle of the mouth of the main channel of the Des Moines river, thence up the middle of the main channel of the said Des Moines river, to a point on said river where the northern boundary line of the state of Missouri—as established by the constitution of that State, adopted June 12, 1820—crosses the said middle of the main channel of the said Des Moines river, thence westwardly along the said northern boundary line of the state of Missouri, as established at the time aforesaid, until an extension of said line intersects the middle of the main channel of the Missouri river; thence up the middle of the main channel of the said Missouri river to a point opposite to the middle of the main channel of the Big Sioux river, according to Nicollet's map; thence up the main channel of the said Big Sioux river, according to the said map, until it is intersected by the parallel of forty-three degrees and thirty minutes north latitude; thence east along said parallel of forty-three degrees and thirty minutes, until said parallel intersects the middle of the main channel of the Mississippi river; thence down the middle of the main channel of the said Mississippi river to the place of beginning.

#### ARTICLE I.—BILL OF RIGHTS

**SECTION 1. *Rights of Persons.*** All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing,

and protecting property, and pursuing and obtaining safety and happiness.

SECTION 2. *Political Power.* All political power is inherent in the people. Government is instituted for the protection, security, and benefit of the people, and they have the right, at all times, to alter or reform the same, whenever the public good may require it.

SECTION 3. *Religion.* The general assembly shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; nor shall any person be compelled to attend any place of worship, pay tithes, taxes, or other rates, for building or repairing places of worship, or the maintenance of any minister or ministry.

SECTION 4. *Religious Test.* No religious test shall be required as a qualification for any office of public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity, in consequence of his opinions on the subject of religion; and any party to any judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person, not disqualified on account of interest, who may be cognizant of any fact material to the case; and parties to suits may be witnesses, as provided by law.

SECTION 5. *Duelling.* Any citizen of this state who may hereafter be engaged, either directly or indirectly, in a duel, either as principal or accessory before the fact, shall forever be disqualified from holding any office under the constitution and laws of this state.

SECTION 6. *Laws Uniform.* All laws of a general nature shall have a uniform operation; the general assembly shall not grant to any citizen or class of citizens, privileges or immunities, which upon the same terms shall not equally belong to all citizens.

SECTION 7. *Liberty of Speech and Press.* Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right. No law shall be passed to restrain or abridge the liberty of speech or of the press. In all prosecutions or indictments for libel, the truth may be given in evidence to the jury, and if it appears to the jury that the matter charged as libelous was true, and was published with good motives and for justifiable ends, the party shall be acquitted.

SECTION 8. *Personal Security.* The right of people to be secure in their persons, houses, papers and effects, against unreasonable seizures and searches shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place to be searched, and the persons and things to be seized.

SECTION 9. *Trial by Jury.* The right of trial by jury shall remain inviolate, but the general assembly may authorize trial by a jury of a less number than twelve men in inferior courts; but no person shall be deprived of life, liberty, or property without due process of law.

SECTION 10. *Rights of Persons Accused.* In all criminal prosecutions, and in cases involving the life or liberty of an individual, the accused shall have a right to a speedy and public trial by an impartial jury; to be informed of the accusation against him; to have a copy of the same when demanded; to be confronted with the witnesses against him; to have compulsory process for his witnesses; and to have the assistance of counsel.

SECTION 11. *Indictment.* All offenses less than felony and in which the punishment does not exceed a fine of one hundred dollars, or imprisonment for thirty days, shall be tried summarily before a justice of the peace, or other officer authorized by law, on information under oath, without indictment, or the intervention of a grand jury, saving to the defendant the right of appeal; and no person shall be held to answer for any higher criminal offense, unless on presentment or indictment by a grand jury, except in cases arising in the army or navy, or in the militia, when in actual service, in time of war or public danger.

SECTION 12. *Twice Tried.—Bail.* No person shall, after acquittal, be tried for the same offense. All persons shall, before conviction, be bailable by sufficient sureties, except for capital offenses, where the proof is evident, or the presumption great.

SECTION 13. *Habeas Corpus.* The writ of habeas corpus shall not be suspended or refused when application is made as required by law, unless in case of rebellion or invasion, the public safety may require it.

SECTION 14. *Military.* The military shall be subordinate to the civil power. No standing army shall be kept up by the state in

time of peace; and in time of war, no appropriation for a standing army shall be for a longer time than two years.

SECTION 15. *Quartering Troops.* No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner prescribed by law.

SECTION 16. *Treason.* Treason against the state shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason, unless on the evidence of two witnesses to the same overt act, or confession in open court.

SECTION 17. *Bail, Punishment.* Excessive bail shall not be required; excessive fines shall not be imposed, and cruel and unusual punishment shall not be inflicted.

SECTION 18. *Property.* Private property shall not be taken for public use without just compensation first being made, or secured to be made, to the owner thereof, as soon as the damages shall be assessed by a jury, who shall not take into consideration any advantages that may result to said owner on account of the improvement for which it is taken.

SECTION 19. *Imprisonment for Debt.* No person shall be imprisoned for debt in any civil action, on mesne or final process, unless in case of fraud; and no person shall be imprisoned for a military fine in time of peace.

SECTION 20. *Petition.* The people have the right freely to assemble together to counsel for the common good; to make known their opinions to their representatives, and to petition for a redress of grievances.

SECTION 21. *Attainder.* No bill of attainder, ex-post-facto law, or law impairing the obligation of contracts, shall ever be passed.

SECTION 22. *Aliens Hold Property.* Foreigners who are, or may hereafter become residents of this state, shall enjoy the same rights in respect to the possession, enjoyment and descent of property, as native-born citizens.

SECTION 23. *Slavery.* There shall be no slavery in this state; nor shall there be involuntary servitude, unless for the punishment of crime.

SECTION 24. *Reservation.* No lease or grant of agricultural lands,

reserving any rent or service of any kind, shall be valid for a longer period than twenty years.

SECTION 25. *Rights Retained.* The enumeration of rights shall not be construed to impair or deny others retained by the people.

## ARTICLE II.—RIGHT OF SUFFRAGE

SECTION 1. *Electors.* Every male citizen of the United States, of the age of twenty-one years, who shall have been a resident of this state six months next preceding the election, and of the county in which he claims his vote, sixty days, shall be entitled to vote at all elections which are now or hereafter may be authorized by law.

SECTION 2. *Privileges.* Electors shall, in all cases except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at such elections, going to and returning therefrom.

SECTION 3. *Same.* No elector shall be obliged to perform military duty on the day of election, except in time of war or public danger.

SECTION 4. *Resident.* No person in the naval, military or marine service of the United States shall be considered a resident of this state by being stationed in any garrison, barrack, or military or naval place or station within this state.

SECTION 5. *Exception.* No idiot or insane person, or person convicted of any infamous crime, shall be entitled to the privilege of an elector.

SECTION 6. *Ballot.* All elections by the people shall be by ballot.

## ARTICLE III.—OF THE DISTRIBUTION OF POWERS

SECTION 1. *Departments of Government.* The powers of the government of Iowa shall be divided into three separate departments: The legislative, the executive and the judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any function appertaining to either of the others, except in cases hereinafter expressly directed or permitted.

## LEGISLATIVE DEPARTMENT

SECTION 1. *Authority.* The legislative authority of this state shall be vested in a general assembly, which shall consist of a senate and house of representatives; and the style of every law shall be: "*Be it enacted by the General Assembly of the State of Iowa.*"

SECTION 2. *Sessions.* The sessions of the general assembly shall be biennial, and shall commence on the second Monday in January next ensuing the election of its members; unless the governor of the state shall, in the meantime, convene the general assembly by proclamation.

SECTION 3. *Members of House of Representatives.* The members of the house of representatives shall be chosen every second year, by the qualified electors of their respective districts, on the second Tuesday in October, except the years of the presidential election, when the election shall be on the Tuesday next after the first Monday in November; and their term of office shall commence on the first day of January next after their election, and continue two years, and until their successors are elected and qualified.

SECTION 4. *Eligibility.* No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a male citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county or district he may have been chosen to represent.

SECTION 5. *Senators.* Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

SECTION 6. *Senators Classed.* The number of senators shall not be less than one-third nor more than one-half the representative body; and shall be so classified by lot, that one class being as nearly one-half as possible, shall be elected every two years. When the number of senators is increased, they shall be annexed by lot to one or the other of the two classes, so as to keep them as nearly equal in numbers as practicable.

SECTION 7. *Elections Determined.* Each house shall choose its



own officers, and judge of the qualification, election and return of its own members. A contested election shall be determined in such manner as shall be directed by law.

SECTION 8. *Quorum.* A majority of each house shall constitute a quorum to transact business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may provide.

SECTION 9. *Authority of the House.* Each house shall sit upon its own adjournments, keep a journal of its proceedings, and publish the same; determine its rules of proceedings, punish members for disorderly behavior, and, with the consent of two-thirds, expel a member, but not a second time for the same offense; and shall have all other power necessary for a branch of the general assembly of a free and independent state.

SECTION 10. *Protest.* Every member of the general assembly shall have the liberty of dissent from or protest against any act or resolution which he may think injurious to the public or an individual, and have the reasons for his dissent entered on the journals; and the yeas and nays of the members of either house, on any question, shall at the desire of any two members present, be entered on the journals.

SECTION 11. *Privilege.* Senators and representatives, in all cases, except treason, felony, or breach of the peace, shall be privileged from arrest during the session of the general assembly, and in going to and returning from the same.

SECTION 12. *Vacancies.* When vacancies occur in either house, the governor, or the persons exercising the functions of governor shall issue writs of election to fill such vacancies.

SECTION 13. *Doors Open.* The doors of each house shall be open, except on such occasions as, in the opinion of the house, may require secrecy.

SECTION 14. *Adjournment.* Neither house shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be sitting.

SECTION 15. *Bills.* Bills may originate in either house, and may be amended, altered or rejected by the other; and every bill having

passed both houses, shall be signed by the speaker and president of their respective houses.

SECTION 16. *To be Approved, etc.* Every bill which shall have passed the general assembly shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it; but if not, he shall return it with his objections, to the house in which it originated, which shall enter the same upon their journal, and proceed to reconsider it; if, after such reconsideration, it again pass both houses, by yeas and nays, by a majority of two-thirds of the members of each house, it shall become a law, notwithstanding the governor's objections. If any bill shall not be returned within three days after it shall have been presented to him (Sunday excepted), the same shall be a law in like manner as if he had signed it; unless the general assembly, by adjournment prevent such return. Any bill submitted to the governor for his approval during the last three days of a session of the general assembly, shall be deposited by him in the office of the secretary of state within thirty days after the adjournment, with his approval, if approved by him, and with his objections if he disapproves thereof.

SECTION 17. *Same.* No bill shall be passed unless by the assent of a majority of all the members elected to each branch of the general assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered upon the journal.

SECTION 18. *Receipts and Expenditures.* An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the general assembly.

SECTION 19. *Impeachment.* The house of representatives shall have the sole power of impeachment and all impeachments shall be tried by the senate. When sitting for that purpose, the senators shall be upon oath or affirmation; and no person shall be convicted without the concurrence of two-thirds of the members present.

SECTION 20. *Who Liable to Impeachment.* The governor, judges of the supreme and district courts, and other state officers, shall be liable to impeachment for any misdemeanor or malfeasance in office; but judgment in such cases shall extend only to removal from office and disqualification to hold any office of honor, trust, or profit under this state; but the party convicted or acquitted shall neverthe-

less be liable to indictment, trial and punishment according to law. All other civil officers shall be tried for misdemeanors and malfeasance in office, in such manner as the general assembly may provide.

SECTION 21. *Members Not Appointed to Offices.* No senator or representative shall, during the time for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created or the emoluments of which shall have been increased during such term, except such offices as may be filled by elections by the people.

SECTION 22. *Disqualification.* No person holding any lucrative office under the United States, or this state, or any other power, shall be eligible to hold a seat in the general assembly; but offices in the militia, to which there is attached no annual salary, or the office of justice of the peace, or postmaster, whose compensation does not exceed one hundred dollars per annum, or notary public, shall not be deemed lucrative.

SECTION 23. *Same.* No person who may hereafter be a collector or holder of public moneys, shall have a seat in either house of the general assembly, or be eligible to hold any office of trust or profit in this state, until he shall have accounted for and paid into the treasury all sums for which he may be liable.

SECTION 24. *Money Drawn.* No money shall be drawn from the treasury but in consequence of appropriations made by law.

SECTION 25. *Compensation of Members.* Each member of the first general assembly under this constitution shall receive three dollars *per diem* while in session; and the further sum of three dollars for every twenty miles traveled in going to and returning from the place where such session is held, by the nearest traveled route; after which they shall receive such compensation as shall be fixed by law; but no general assembly shall have the power to increase the compensation of its members. And when convened in extra session they shall receive the same mileage and *per diem* compensation as fixed by law for the regular session, and none other.

SECTION 26. *Laws.—Publication.* No law of the general assembly passed at a regular session, of a public nature, shall take effect until the fourth day of July next after the passage thereof. Laws passed at a special session shall take effect ninety days after the adjourn-

ment of the general assembly by which they were passed. If the general assembly shall deem any law of immediate importance, they may provide that the same shall take effect by publication in newspapers in the state.

SECTION 27. *Divorce.* No divorce shall be granted by the general assembly.

SECTION 28. *Lotteries.* No lottery shall be authorized by this state; nor shall the sale of lottery tickets be allowed.

SECTION 29. *Acts.* Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SECTION 30. *Local or Special Laws.* The general assembly shall not pass local or special laws in the following cases:

For the assessment and collection of taxes, for state, county, or road purposes;

For laying out, opening, and working roads or highways;

For changing the names of persons;

For the incorporation of cities and towns;

For vacating roads, town plats, streets, alleys, or public squares;

For locating or changing county seats.

In all cases above enumerated, and in all other cases where a general law can be made applicable, all laws shall be general, and of uniform operation throughout the state; and no law changing the boundary lines of any county shall have effect until, upon being submitted to the people of the counties affected by the change, at a general election, it shall be approved by a majority of the votes in each county, cast for and against it.

SECTION 31. *Extra Compensation.* No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered, or the contract entered into; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws, and no public money or property shall be appropriated for local or private purposes, unless such appropriation, compensation or claim be allowed by two-thirds of the members elected to each branch of the general assembly.

SECTION 32. *Oath of Members.* Members of the general assembly

shall, before they enter upon the duties of their respective offices, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the United States, and the constitution of the state of Iowa, and that I will faithfully discharge the duties of senator (or representative, as the case may be) according to the best of my ability;" and members of the general assembly are hereby empowered to administer to each other the said oath or affirmation.

SECTION 33. *Census.* The general assembly shall, in the years one thousand eight hundred and fifty-nine, one thousand eight hundred and sixty-three, one thousand eight hundred and sixty-five, one thousand eight hundred and sixty-seven, one thousand eight hundred and sixty-nine, one thousand eight hundred and seventy-five, and every ten years thereafter, cause an enumeration to be made of all the inhabitants of the state.

SECTION 34. *Apportionment.* The number of senators shall, at the next session following each period of making such enumeration, and the next session following each United States census, be fixed by law, and apportioned among the several counties according to the number of inhabitants in each.

SECTION 35. *Districts.* The senate shall not consist of more than fifty members, nor the house of representatives of more than one hundred; and they shall be apportioned among the several counties and representative districts of the state according to the number of inhabitants in each, upon ratios to be fixed by law; but no representative district shall contain more than four organized counties, and each district shall be entitled to at least one representative. Every county and district which shall have a number of inhabitants equal to one-half of the ratio fixed by law, shall be entitled to one representative; and any one county containing, in addition to the ratio fixed by law, one-half of that number, or more, shall be entitled to one additional representative. No floating district shall hereafter be formed.

SECTION 36. *Ratio of Representation.* At its first session under this constitution, and at every subsequent regular session, the general assembly shall fix the ratio of representation, and also form into representative districts those counties which will not be entitled singly to a representative.

SECTION 37. *Districts.* When a congressional, senatorial, or representative district shall be composed of two or more counties, it shall not be entirely separated by any county belonging to another district; and no county shall be divided in forming a congressional, senatorial, or representative district.

SECTION 38. *Elections by General Assembly.* In all elections by the general assembly, the members thereof shall vote *Viva Voce*; and the votes shall be entered on the journal.

#### ARTICLE IV.—EXECUTIVE DEPARTMENT

SECTION 1. *Governor.* The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled the governor of the state of Iowa.

SECTION 2. *Election and Term.* The governor shall be elected by the qualified electors at the time and place of voting for members of the general assembly, and shall hold his office two years from the time of his installation, and until his successor is elected and qualified.

SECTION 3. *Lieutenant-Governor.* There shall be a lieutenant-governor, who shall hold his office two years, and be elected at the same time as the governor. In voting for governor and lieutenant-governor, the electors shall designate for whom they vote as governor, and for whom as lieutenant-governor. The returns of every election for governor and lieutenant-governor shall be sealed up and transmitted to the seat of government of the state, directed to the speaker of the house of representatives, who shall open and publish them in the presence of both houses of the general assembly.

SECTION 4. *Returns of Elections.* The persons respectively having the highest number of votes for governor and lieutenant-governor shall be declared duly elected; but in case two or more persons shall have an equal, and the highest number of votes for either office, the general assembly shall, by joint vote, forthwith proceed to elect one of said persons, governor, or lieutenant-governor, as the case may be.

SECTION 5. *Contested Elections.* Contested elections for governor or lieutenant-governor shall be determined by the general assembly in such manner as may be prescribed by law.

SECTION 6. *Eligibility.* No person shall be eligible to the office of governor or lieutenant-governor who shall not have been a citizen of the United States and a resident of the state two years next preceding the election, and attained the age of thirty years at the time of said election.

SECTION 7. *Command.* The governor shall be commander-in-chief of the militia, the army and navy of this state.

SECTION 8. *Duties.* He shall transact all executive business with the officers of government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

SECTION 9. *Same.* He shall take care that the laws are faithfully executed.

SECTION 10. *Vacancies.* When any office shall, from any cause, become vacant, and no mode is provided by the constitution and laws for filling such vacancy, the governor shall have power to fill such vacancy by granting a commission, which shall expire at the end of the next session of the general assembly, or at the next election by the people.

SECTION 11. *Convening Assembly.* He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state to both houses, when assembled, the purpose for which they shall have been convened.

SECTION 12. *Message.* He shall communicate, by message, to the general assembly, at every regular session, the condition of the state, and recommend such matters as he shall deem expedient.

SECTION 13. *Adjournment.* In case of disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he may think proper; but no such adjournment shall be beyond the time fixed for the regular meeting of the next general assembly.

SECTION 14. *Disqualification.* No person shall, while holding any office under the authority of the United States, or this state, execute the office of governor or lieutenant-governor, except as hereinafter expressly provided.

SECTION 15. *Term.* The official term of the governor and lieutenant-governor shall commence on the second Monday of January



next after their election, and continue for two years, and until their successors are elected and qualified. The lieutenant-governor, while acting as governor, shall receive the same pay as provided for governor; and while presiding in the senate, shall receive as compensation therefor the same mileage and double the *per diem* pay provided for a senator, and none other.

SECTION 16. *Pardons, Etc.* The governor shall have power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law; and shall report to the general assembly, at its next meeting, each case of reprieve, commutation, or pardon granted, and the reason therefor; and also all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted.

SECTION 17. *Lieutenant Act as Governor.* In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of the office for the residue of the term, or until he shall be acquitted, or the disability removed, shall devolve upon the lieutenant-governor.

SECTION 18. *Further Vacancies Provided For.* The lieutenant-governor shall be president of the senate, but shall only vote when the senate is equally divided; and in case of his absence or impeachment, or when he shall exercise the office of governor, the senate shall choose a president *pro tempore*.

SECTION 19. *Same.* If the lieutenant-governor, while acting as governor, shall be impeached, displaced, resign or die, or otherwise become incapable of performing the duties of the office, the president *pro tempore* of the senate shall act as governor until the vacancy is filled, or the disability is removed; and if the president of the senate, for any of the above causes, shall be rendered incapable of performing the duties pertaining to the office of governor, the same shall devolve upon the speaker of the house of representatives.



SECTION 20. *Seal of State.* There shall be a seal of this state, which shall be kept by the governor, and used by him officially, and shall be called the great seal of the state of Iowa.

SECTION 21. *Commissions, Etc.* All grants and commissions shall be in the name and by the authority of the people of the state of Iowa, sealed with the great seal of the state, signed by the governor, and countersigned by the secretary of state.

SECTION 22. *Secretary, Auditor and Treasurer.* A secretary of state, auditor of state, and treasurer of state, shall be elected by the qualified electors, who shall continue in office two years, and until their successors are elected and qualified, and perform such duties as may be required by law.

#### ARTICLE V.—JUDICIAL DEPARTMENT

SECTION 1. *Courts.* The judicial power shall be vested in a supreme court, district court, and such other courts, inferior to the supreme court, as the general assembly may, from time to time, establish.

SECTION 2. *Supreme Court.* The supreme court shall consist of three judges, two of whom shall constitute a quorum to hold court.

SECTION 3. *Judges Elected.* The judges of the supreme court shall be elected by the qualified electors of the state, and shall hold their court at such time and place as the general assembly may prescribe. The judges of the supreme court, so elected, shall be classified so that one judge shall go out of office every two years; and the judge holding the shortest term of office, under such classification, shall be chief justice of the court during his term, and so in rotation. After the expiration of their terms of office, under such classification, the term of each judge of the supreme court shall be six years, and until his successor shall have been elected and qualified. The judges of the supreme court shall be ineligible to any other office in the state during the term for which they have been elected.

SECTION 4. *Jurisdiction.* The supreme court shall have appellate jurisdiction only in cases in chancery, and shall constitute a court for the correction of errors at law, under such restrictions as the general assembly may by law prescribe; and shall have power to

issue all writs and process necessary to secure justice to parties, and exercise a supervisory control over all inferior judicial tribunals throughout the state.

SECTION 5. *District Judges Elected.* The district court shall consist of a single judge, who shall be elected by the qualified electors of the district in which he resides. The judge of the district court shall hold his office for the term of four years, and until his successor shall have been elected and qualified; and shall be ineligible to any other office, except that of judge of the supreme court, during the term for which he was elected.

SECTION 6. *Jurisdiction.* The district court shall be a court of law and equity, which shall be distinct and separate jurisdictions, and have jurisdiction in civil and criminal matters arising in their respective districts in such manner as shall be prescribed by law.

SECTION 7. *Conservators of the Peace.* The judges of the supreme and district courts shall be conservators of the peace throughout the state.

SECTION 8. *Style of Process.* The style of all process shall be, "The State of Iowa," and all prosecutions shall be conducted in the name and by the authority of the same.

SECTION 9. *Salaries.* The salary of each judge of the supreme court shall be two thousand per annum, and that of each district judge one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the general assembly may, by law, prescribe, which compensation shall not be increased or diminished during the term for which they shall have been elected.

SECTION 10. *Judicial Districts.* The state shall be divided into eleven judicial districts, and after the year eighteen hundred and sixty, the general assembly may reorganize the judicial districts, and increase or diminish the number of districts, or the number of judges of the said court, and may increase the number of judges of the supreme court; but such increase or diminution shall not be more than one district, or one judge of either court, at any one session, and no reorganization of the districts, or diminution of the number of judges, shall have the effect of removing a judge from office. Such reorganization of the districts, or any change in the boundaries thereof, or increase or diminution of the number of judges, shall take place every four years thereafter, if necessary, and at no other time.

SECTION 11. *When Chosen.* The judges of the supreme and district courts shall be chosen at the general election; and the term of office of each judge shall commence on the first day of January next after his election.

SECTION 12. *Attorney-General.* The general assembly shall provide by law for the election of an attorney-general by the people, whose term of office shall be two years, and until his successor shall have been elected and qualified.

SECTION 13. *District Attorney.* The qualified electors of each judicial district shall, at the time of the election of district judge, elect a district attorney, who shall be a resident of the district for which he is elected, and who shall hold his office for the term of four years; and until his successor shall have been elected and qualified.

SECTION 14. *Duty of General Assembly.* It shall be the duty of the general assembly to provide for the carrying into effect of this article, and to provide for a general system of practice in all the courts of this state.

#### ARTICLE VI.—MILITIA

SECTION 1. *Who Constitute.* The militia of this state shall be composed of all able-bodied male citizens between the ages of eighteen and forty-five years, except such as are, or may hereafter be, exempt by the laws of the United States, or of this state, and shall be armed, equipped and trained, as the general assembly may provide by law.

SECTION 2. *Qualification.* No person or persons conscientiously scrupulous of bearing arms shall be compelled to do military duty in time of peace; *Provided*, that such person or persons shall pay an equivalent for such exemption in the same manner as other citizens.

SECTION 3. *Officers.* All commissioned officers of the militia (staff officers excepted) shall be elected by persons liable to perform military duty, and shall be commissioned by the governor.

#### ARTICLE VII.—STATE DEBTS

SECTION 1. *Limitation of State Indebtedness.* The credit of the state shall not, in any manner, be given or loaned to, or in aid of,

any individual, association or corporation; and the state shall never assume, or become responsible for, the debts or liabilities of any individual, association or corporation, unless incurred in time of war for the benefit of the state.

SECTION 2. *Same.* The state may contract debts to supply casual deficits or failures in revenues, or to meet expenses not otherwise provided for; but the aggregate amount of such debts, direct and contingent, whether contracted by virtue of one or more acts of the general assembly, or at different periods of time, shall never exceed the sum of two hundred and fifty thousand dollars, and the money arising from the creation of such debts shall be applied to the purpose for which it was obtained, or to repay the debts so contracted, and to no other purpose whatever.

SECTION 3. *Losses to School Fund Audited.* All losses to the permanent, school, or university fund of this state, which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, shall be audited by the proper authorities of the state. The amount so audited shall be a permanent fund debt against the state, in favor of the respective fund sustaining the loss, upon which not less than six per cent annual interest shall be paid. The amount of liability so created shall not be counted as a part of the indebtedness authorized by the second section of this article.

SECTION 4. *For what Other Purpose State May Contract Debts.* In addition to the above limited power to contract debts, the state may contract debts to repel invasion, suppress insurrection, or defend the state in war; but the money arising from the debts so contracted shall be applied to the purpose for which it was raised, or to repay such debts, and to no other purpose whatever.

SECTION 5. (a) *Other Debts to be Authorized by Special Law.*—(b) *Submitted to the People.* Except the debts hereinbefore specified in this article, no debt shall be hereafter contracted by or on behalf of this state, unless such debt shall be authorized by some law for some single work or object, to be distinctly specified therein; and such law shall impose and provide for the collection of a direct annual tax, sufficient to pay the interest on such debt, as it falls due, and also to pay and discharge the principal of such debt, within twenty years from the time of the contracting thereof; but no such law shall take effect until, at a general election, it shall have been

submitted to the people and have received a majority of all the votes cast for and against it at such election; and all money raised by authority of such law, shall be applied only to the specific object therein stated, or to the payment of the debt created thereby; and such law shall be published in at least one newspaper in each county, if one is published therein, throughout the state, for three months preceding the election at which it is submitted to the people.

SECTION 6. *Legislature May Repeal.* The legislature may, at any time after the approval of such law by the people, if no debt shall have been contracted in pursuance thereof, repeal the same, and may at any time forbid the contracting of any further debt or liability under such law; but the tax imposed by such law, in proportion to the debt or liability which may have been contracted in pursuance thereof, shall remain in force and be irrepealable, and be annually collected, until the principal and interest are fully paid.

SECTION 7. *Tax Imposed Distinctly Stated.* Every law which imposes, continues, or revives a tax, shall distinctly state the tax and the object to which it is to be applied, and it shall not be sufficient to refer to any other law to fix such tax or object.

## ARTICLE VIII.—CORPORATIONS

SECTION 1. *Corporations, How Created.* No corporation shall be created by special laws; but the general assembly shall provide, by general laws, for the organization of all corporations hereafter to be created, except as hereinafter provided.

SECTION 2. *Property Taxable.* The property of all corporations for pecuniary profit shall be subject to taxation, the same as that of individuals.

SECTION 3. *State Not to be a Stockholder.* The state shall not become a stockholder in any corporation, nor shall it assume or pay the debt or liability of any corporation, unless incurred in time of war, for the benefit of the state.

SECTION 4. *Corporation Not to be a Stockholder.* No political or municipal corporation shall become a stockholder in any banking corporation, directly or indirectly.

SECTION 5. *Act Creating Corporation Submitted to the People.* No act of the general assembly, authorizing or creating corpora-

tions or associations with banking powers, nor amendments thereto, shall take effect or in any manner be in force, until the same shall have been submitted, separately, to the people, at a general or special election, as provided by law, to be held not less than three months after the passage of the act, and shall have been approved by a majority of all the electors voting for and against it at such election.

SECTION 6. *State Banks.* Subject to the provisions of the foregoing section, the general assembly may also provide for the establishment of a state bank, with branches.

SECTION 7. *Founded on Specie Basis.* If a state bank be established, it shall be founded on actual specie basis, and the branches shall be mutually responsible for each other's liabilities upon all notes, bills, and other issues intended for circulation as money.

SECTION 8. *General Banking Law to be Provided For.* If a general banking law shall be enacted, it shall provide for the registry and countersigning, by an officer of state, of all bills or paper credit designed to circulate as money, and require security to the full amount thereof, to be deposited with the state treasurer, in United States stocks, or in interest-paying stocks of states in good credit and standing, to be rated at ten per cent below their average value in the city of New York, for the thirty days next preceding their deposit; and in case of a depreciation of any portion of such stocks, to the amount of ten per cent on the dollar, the bank or banks owning said stocks shall be required to make up said deficiency by depositing additional stocks; and said law shall also provide for the recording of the names of all stockholders in such corporations, the amount of stock held by each, the time of any transfer and to whom.

SECTION 9. *Stockholders Responsible.* Every stockholder in a banking corporation or institution shall be individually responsible and liable to its creditors, over and above the amount of stock by him or her held, to an amount equal to his or her respective shares so held, for all of its liabilities, accruing while he or she remains such stockholder.

SECTION 10. *Bill Holders to Have Preference.* In case of the insolvency of any banking institution, the bill holders shall have a preference over its other creditors.

SECTION 11. *Suspension of Specie Payments.* The suspension of

specie payments by banking institutions shall never be permitted or sanctioned.

SECTION 12. *General Assembly May Amend or Repeal by Two-Thirds Vote.* Subject to the provisions of this article, the general assembly shall have power to amend or repeal all laws for the organization or creation of corporations, or granting of special or exclusive privileges or immunities, by a vote of two-thirds of each branch of the general assembly; and no exclusive privileges, except as in this article provided, shall ever be granted.

## ARTICLE IX.—EDUCATION AND SCHOOL LANDS

### FIRST—EDUCATION

SECTION 1. *Board of Education.* The educational interest of the state, including common schools and other educational institutions, shall be under the management of a Board of Education, which shall consist of the lieutenant-governor, who shall be the presiding officer of the board, and have the casting vote in case of a tie, and one member to be elected from each judicial district in the state.

SECTION 2. *Who Eligible.* No person shall be eligible as a member of said board who shall not have attained the age of twenty-five years, and shall have been one year a citizen of the state.

SECTION 3. *How Elected; How Divided.* One member of said board shall be chosen by the qualified electors of each district, and shall hold the office for the term of four years, and until his successor is elected and qualified. After the first election under this constitution, the board shall be divided, as nearly as practicable, into two equal classes, and the seats of the first class shall be vacated after the expiration of two years, and one-half of the board shall be chosen every two years thereafter.

SECTION 4. *First Session Held.* The first session of the board of education shall be held at the seat of government, on the first Monday of December after their election, after which the general assembly may fix the time and place of meeting.

SECTION 5. *Limited to Twenty Days.* The session of the board shall be limited to twenty days, and but one session shall be held in any one year, except upon extraordinary occasions, when, upon the



recommendation of two-thirds of the board, the governor may order a special session.

SECTION 6. *Secretary.* The board of education shall appoint a secretary who shall be the executive officer of the board, and perform such duties as may be imposed upon him by the board, and the laws of the state. They shall keep a journal of their proceedings, which shall be published and distributed in the same manner as the journals of the general assembly.

SECTION 7. *Rules and Regulations of Board.* All rules and regulations made by the board shall be published and distributed to the several counties, townships, and school districts, as may be provided for by the board, and when so made, published, and distributed, they shall have the force and effect of law.

SECTION 8. *Powers; Rules, How Repealed.* The board of education shall have full power and authority to legislate and make all needful rules and regulations in relation to common schools and other educational institutions that are instituted, to receive aid from the school or university fund of this state; but all acts, rules and regulations of said board may be altered, amended, or repealed by the general assembly, and when so altered, amended, or repealed, they shall not be re-enacted by the board of education.

SECTION 9. *Governor, Ex-Officio, a Member.* The governor of the state shall be, *ex-officio*, a member of said board.

SECTION 10. *Contingent.* The board shall have no power to levy taxes, or make appropriations of money. Their contingent expenses shall be provided for by the general assembly.

SECTION 11. *State University.* The state university shall be established at one place without branches at any other place, and the university fund shall be applied to that institution and no other.

SECTION 12. *Board of Education to Provide for Education of Youths of the State.* The board of education shall provide for the education of all the youths of the state, through a system of common schools, and such schools shall be organized and kept in each school district at least three months in each year. Any district failing, for two consecutive years, to organize and keep up a school, as aforesaid, may be deprived of their portion of the school fund.

SECTION 13. *Compensation.* The members of the board of edu-



cation shall each receive the same *per diem* during the time of their session, and mileage going to and returning therefrom, as members of the general assembly.

SECTION 14. *Quorum; Style of Acts.* A majority of the board shall constitute a quorum for the transaction of business, but no rule, regulation, or law for the government of common schools or other educational institutions shall pass without the concurrence of a majority of all the members of the board, which shall be expressed by the yeas and nays on the final passage. The style of all acts of the board shall be: "Be it enacted by the Board of Education of the State of Iowa."

SECTION 15. *When Board May be Abolished.* At any time after the year one thousand eight hundred and sixty-three, the general assembly shall have power to abolish or reorganize said board of education, and provide for the educational interests of the state in any other manner that to them shall seem best and proper.

#### SECOND—SCHOOL FUNDS AND SCHOOL LANDS

SECTION 1. *Under Control of General Assembly.* The educational and school funds and lands shall be under the control and management of the general assembly of this state.

SECTION 2. *Permanent Fund.* The university lands, and the proceeds thereof, and all moneys belonging to said fund shall be a permanent fund for the sole use of the state university. The interest arising from the same shall be annually appropriated for the support and benefit of said university.

SECTION 3. *Lands Appropriated to Educational Purposes.* The general assembly shall encourage, by all suitable means, the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all lands that have been, or hereafter may be, granted by the United States to this state, for the support of schools, which may have been or shall hereafter be sold or disposed of, and the five hundred thousand acres of land granted to the new states, under an act of congress, distributing the proceeds of the public lands among the several states of the Union, approved in the year of our Lord one thousand eight hundred and forty-one, and all estates of deceased persons who may have died without

leaving a will or heir, and also such per cent as has been or may hereafter be presented by congress, on the sale of lands in this state, shall be and remain a perpetual fund, the interest of which, together with all rents of the unsold lands, and such other means as the general assembly may provide, shall be inviolably appropriated to the support of common schools throughout the state.

SECTION 4. *Fines and Forfeitures, How Appropriated.* The money which may have been or shall be paid by persons as an equivalent from exemption from military duty, and the clear proceeds of all fines collected in the several counties for any breach of the penal laws, shall be exclusively applied, in the several counties in which such money is paid, or fine collected, among the several school districts of said counties, in proportion to the number of youths subject to enumeration in such districts, to the support of common schools, or the establishment of libraries, as the board of education shall from time to time provide.

SECTION 5. *Lands Reserved or Granted, or Funds Accruing from Sale thereof, to be a Permanent Fund. Interest Applied.* The general assembly shall take measures for the protection, improvement, or other disposition of such lands as have been, or may hereafter be, reserved, or granted by the United States, or any person or persons, to this state, for the use of the university, and the funds accruing from the rents or sale of such lands, or from any other source for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant; and it shall be the duty of the general assembly, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university.

SECTION 6. *Who Agents of School Funds.* The financial agents of the school funds shall be the same that by law receive and control the state and county revenue, for other civil purposes, under such regulations as may be provided by law.

SECTION 7. *Money to be Distributed.* The money subject to the support and maintenance of common schools shall be distributed to the districts in proportion to the number of youths between the ages of five and twenty-one years, in such manner as may be provided by the general assembly.

## ARTICLE X.—AMENDMENTS TO THE CONSTITUTION

SECTION 1. *Constitution.* Any amendment or amendments to this constitution may be proposed in either house of the general assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment shall be entered on their journals, with the yeas and nays taken thereon, and referred to the legislature to be chosen at the next general election, and shall be published, as provided by law, for three months previous to the time of making such choice; and if, in the general assembly so next chosen as aforesaid, such proposed amendment or amendments shall be agreed to, by a majority of all the members elected to each house, then it shall be the duty of the general assembly to submit such proposed amendment or amendments to the people in such manner and at such time as the general assembly shall provide; and if the people shall approve and ratify such amendment or amendments by a majority of the electors qualified to vote for members of the general assembly, voting thereon, such amendment or amendments shall become a part of the constitution of this state.

SECTION 2. *More than One.* If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately.

SECTION 3. *Convention.* At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the general assembly may by law provide, the question, "Shall there be a Convention to revise the Constitution and amend the same?" shall be decided by the electors qualified to vote for members of the general assembly; and in case a majority of the electors so qualified, voting at such election for and against such proposition, shall decide in favor of a convention for such purpose, the general assembly at its next session, shall provide by law for the election of delegates to such convention.

## ARTICLE XI.—MISCELLANEOUS

SECTION 1. *Jurisdiction of Justice of the Peace.* The jurisdiction of justices of the peace shall extend to all civil cases (except cases in chancery, and cases where the question of title to real estate

may arise) where the amount in controversy does not exceed one hundred dollars, and by the consent of parties may be extended to any amount not exceeding three hundred dollars.

SECTION 2. *Counties.* No new county shall be hereafter created containing less than four hundred and thirty-two square miles, nor shall the territory of any organized county be reduced below that area, except the county of Worth, and the counties west of it, along the northern boundary of this state, may be organized without additional territory.

SECTION 3. *To What Amount Counties May Become Indebted.* No county, or other political or municipal corporation, shall be allowed to become indebted, in any manner or for any purpose, to an amount, in the aggregate, exceeding five per centum of the value of the taxable property within such county or corporation—to be ascertained by the last state and county tax lists, previous to the incurring of such indebtedness.

SECTION 4. *Boundaries.* The boundaries of this state may be enlarged, with the consent of congress and the general assembly.

SECTION 5. *Oath of Office.* Every person elected or appointed to any office, shall, before entering upon the duties thereof, take an oath or affirmation to support the constitution of the United States, and of this state, and also an oath of office.

SECTION 6. *How Vacancies Filled.* In all cases of elections to fill vacancies in office occurring before the expiration of a full term, the person so elected shall hold for the residue of the unexpired term; and all persons appointed to fill vacancies in office shall hold until the next general election, and until their successors are elected and qualified.

SECTION 7. *How Lands Granted May be Located.* The general assembly shall not locate any of the public lands which have been or may be granted by congress to this state, and the location of which may be given to the general assembly, upon lands actually settled, without the consent of the occupant. The extent of the claim of such occupant so exempted shall not exceed three hundred and twenty acres.

SECTION 8. *Seat of Government.* The seat of government is hereby permanently established, as now fixed by law, at the city

of Des Moines, in the county of Polk; and the state university at Iowa City, in the county of Johnson.

## ARTICLE XII.—SCHEDULE

SECTION 1. *Supreme Law of the State.* The constitution shall be the supreme law of the state, and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this constitution into effect.

SECTION 2. *Laws in Force.* All laws now in force and not inconsistent with this constitution, shall remain in force until they shall expire or be repealed.

SECTION 3. *Legal Process Not Affected.* All indictments, prosecutions, suits, pleas, complaints, process, and other proceedings pending in any of the courts, shall be prosecuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts, in the same manner as now provided by law, and all offenses, misdemeanors and crimes that may have been committed before the taking effect of this constitution, shall be subject to indictment, trial and punishment, in the same manner as they would have been had not this constitution been made.

SECTION 4. *Fines, Etc., Inure to the State.* All fines, penalties, or forfeitures due, or to become due, or accruing to the state, or to any county therein, or to the school fund, shall inure to the state, county, or school fund in the manner prescribed by law.

SECTION 5. *Bonds in Force.* All bonds executed to the state, or to any officer in his official capacity, shall remain in force and inure to the use of those concerned.

SECTION 6. *First Election. Governor and Lieutenant-Governor.* The election under this constitution shall be held on the second Tuesday in October, in the year one thousand eight hundred and fifty-seven, at which time the electors of the state shall elect the governor and lieutenant-governor. There shall also be elected at such election the successors of such state senators as were elected at the August election, in the year one thousand eight hundred and fifty-four, and members of the house of representatives, who shall be elected in accordance with the act of apportionment, enacted at the session

of the general assembly which commenced on the first Monday of December, one thousand eight hundred and fifty-six.

SECTION 7. *Secretary, Auditor, Etc.* The first election for secretary, auditor, and treasurer of state, attorney-general, district judges, members of the board of education, district attorneys, members of congress, and such state officers as shall be elected at the April election in the year one thousand eight hundred and fifty-seven (except the superintendent of public instruction), and such county officers as were elected at the August election in the year one thousand eight hundred and fifty-six, except prosecuting attorneys, shall be held on the second Tuesday of October, one thousand eight hundred and fifty-eight: *Provided*, that the time for which any district judge or other state or county officer elected at the April election in the year one thousand eight hundred and fifty-eight, shall not extend beyond the time fixed for filling like offices at the October election, in the year one thousand eight hundred and fifty-eight.

SECTION 8. *Judges of Supreme Court.* The first election for judges of the supreme court, and such county officers as shall be elected at the August election, in the year one thousand eight hundred and fifty-seven, shall be held on the second Tuesday of October, in the year one thousand eight hundred and fifty-nine.

SECTION 9. *First Session, General Assembly.* The first regular session of the general assembly shall be held in the year one thousand eight hundred and fifty-eight, commencing on the second Monday of January of said year.

SECTION 10. *Senators.* Senators elected at the August election, in the year one thousand eight hundred and fifty-six, shall continue in office until the second Tuesday of October, in the year one thousand eight hundred and fifty-nine, at which time their successor shall be elected as may be prescribed by law.

SECTION 11. *Offices Not Vacated by New Constitution.* Every person elected by popular vote, by a vote of the general assembly, or who may hold office by executive appointment, which office is continued by this constitution, and every person who shall be so elected or appointed to any such office, before the taking effect of this constitution (except as in this constitution otherwise provided), shall continue in office until the term for which such person has been or may be elected or appointed shall expire; but no such person

shall continue in office after the taking effect of this constitution, for a longer period than the term of such office in this constitution prescribed.

SECTION 12. *State to be Districted.* The general assembly, at the first session under this constitution, shall district the state into eleven judicial districts, for district court purposes; and shall also provide for the apportionment of the members of the general assembly in accordance with the provisions of this constitution.

SECTION 13. *Constitution to be Voted for August, 1857.* This constitution shall be submitted to the electors of the state at the August election, in the year one thousand eight hundred and fifty-seven, in the several election districts in this state. The ballots at such election shall be written or printed, as follows: Those in favor of the constitution, "New Constitution—Yes." Those against the constitution, "New Constitution—No." The election shall be conducted in the same manner as the general elections of the state, and the poll-books shall be returned and canvassed as provided in the twenty-fifth chapter of the code, and abstracts shall be forwarded to the secretary of state, which abstracts shall be canvassed in the manner provided for the canvass of state officers; and if it shall appear that a majority of all the votes cast at such election for and against this constitution are in favor of the same, the governor shall immediately issue his proclamation stating that fact, and such constitution shall be the constitution of the state of Iowa, and shall take effect from and after the publication of said proclamation.

SECTION 14. *Proposition to Strike Out the Word "White."* At the same election at which this constitution is submitted to the people for its adoption or rejection, a proposition to amend the same by striking out the word "white" from the article on the "Right of Suffrage," shall be separately submitted to the electors of this state for adoption or rejection, in the manner following, viz.: A separate ballot may be given by every person having a right to vote at said election, to be deposited in a separate box. And those given for the adoption of such proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' Yes." And those given against the proposition shall have the words, "Shall the word 'white' be stricken out of the article on the 'Right of Suffrage?' No." And if at said election the number of ballots cast in favor of said proposition shall be equal to a majority of those cast for and against this constitution, then



said word "white" shall be stricken from said article and be no part thereof.

SECTION 15. *Mills County.* Until otherwise directed by law, the county of Mills shall be in and a part of the sixth judicial district of this state.

Done in convention at Iowa City, this fifth day of March, in the year of our Lord one thousand eight hundred and fifty-seven, and of the Independence of the United States of America the eighty-first.

### SIGNERS

TIMOTHY DAY,  
S. G. WINCHESTER,  
DAVID BUNKER,  
D. P. PALMER,  
GEO. W. ELLS,  
J. C. HALL,  
JOHN H. PETERS,  
WM. H. WARREN,  
H. W. GRAY,  
ROBT. GOWER,  
H. D. GIBSON,  
THOMAS SEELEY,  
A. H. MARVIN,  
J. H. EMERSON,  
R. L. B. CLARKE,  
JAMES A. YOUNG,  
D. H. SOLOMON,

W. W. ROBINSON,  
LEWIS TODHUNTER,  
JOHN EDWARDS,  
J. C. TRAER,  
JAMES F. WILSON,  
AMOS HARRIS,  
JNO. T. CLARKE,  
S. AYRES,  
HARVEY J. SKIFF,  
J. A. PARVIN,  
W. PENN CLARK,  
JERE HOLLINGSWORTH,  
WM. PATTERSON,  
D. W. PRICE,  
ALPHEAS SCOTT,  
GEO. GILLASPY,  
EDWARD JOHNSTON,  
FRANCIS SPRINGER, *Pres.*

Attest:

TH. J. SAUNDERS, *Sec'y.*  
E. N. BATES, *Assistant Sec'y.*

### SUMMARY OF AMENDMENTS

By vote of the people, November 3d, 1868, and proclamation of the Governor, December 8th, 1868:

1st. Strike the word "white" from section one of article two thereof.

2d. Strike the word "white" from section thirty-three of article three thereof.



3d. Strike the word "white" from section thirty-four of article three thereof.

4TH. Strike the word "white" from section thirty-five of article three thereof.

5TH. Strike the word "white" from section one of article six thereof.

By vote of the people, November 2d, 1880, and certificate of the Board of State Canvassers, December 3d, 1880:

Strike out the words "free white" from the third line of section four [4] of article three [3] of said constitution, relating to the legislative department.

By vote of the people, June 27th, 1882, and certificate of the Board of State Canvassers, July 28th, 1882:

SECTION 26. No person shall manufacture, for sale or sell, or keep for sale, as a beverage, any intoxicating liquors whatever, including ale, wine and beer. The general assembly shall by law prescribe regulations for the enforcement of the prohibition herein contained, and shall thereby provide suitable penalties for the violation of the provisions hereof.

[The supreme court, April 21st, 1883, held that the amendment, Section 26, as submitted to the electors did not become a part of the constitution.]

By vote of the people, November 4th, 1884, and certificate of the Board of State Canvassers, December 10th, 1884:

AMENDMENT 1. The general election for state, district, county and township officers, shall be held on the Tuesday next after the first Monday in November.

AMENDMENT 2. At any regular session of the general assembly the state may be divided into the necessary judicial districts for district court purposes, or the said districts may be reorganized and the number of the districts and the judges of said courts increased or diminished; but no reorganization of the districts or diminution of the judges shall have the effect of removing a judge from office.

AMENDMENT 3. The grand jury may consist of any number of members, not less than five, nor more than fifteen, as the general assembly may by law provide, or the general assembly may provide for holding persons to answer for any criminal offense without the intervention of a grand jury.

AMENDMENT 4. That section 13 of article 5 of the constitution be stricken therefrom, and the following adopted as such section:

SECTION 13. The qualified electors of each county shall, at the general election in the year 1886, and every two years thereafter, elect a county attorney, who shall be a resident of the county for which he is elected, and shall hold his office for two years, and until the successor shall have been elected and qualified.

## APPORTIONMENT OF SENATORS AND REPRESENTATIVES

Amendments ratified by the people of the state of Iowa, November 9, 1904.

Amending sections thirty-four, thirty-five and thirty-six of article three of the state constitution.

SECTION 34. The senate shall be composed of fifty members to be elected from the several senatorial districts, established by law and at the next session of the general assembly held following the taking of the state and national census, they shall be apportioned among the several counties or districts, according to the population as shown by the last preceding census.

SECTION 35. The house of representatives shall consist of not more than one hundred and eight members. The ratio of representation shall be determined by dividing the whole number of the population of the state as shown by the last preceding state or national census by the whole number of counties then existing or organized, but each county shall constitute one representative district and be entitled to one representative, but each county having a population in excess of the ratio number, as herein provided, of three-fifths or more of such ratio number shall be entitled to one additional representative, but said addition shall extend only to the nine counties having the greatest population.

SECTION 36. The general assembly shall at the first regular session following the adoption of this amendment, and at each succeeding regular session held next after the taking of such census, fix the ratio of representation, and apportion the additional representatives, as hereinbefore required.

## BIENNIAL ELECTION AMENDMENT

Add as section sixteen to article twelve of the constitution, the following :

SECTION 16. The first general election after the adoption of this amendment shall be held on the Tuesday next after the first Monday in November in the year one thousand nine hundred and six, and general elections shall be held biennially thereafter. In the year one thousand nine hundred and six there shall be elected a governor, lieutenant-governor, secretary of state, auditor of state, treasurer of state, attorney general, two judges of the supreme court, the successors of the judges of the district court whose terms of office expire on December 31st, one thousand nine hundred and six, state senators who would otherwise be chosen in the year one thousand nine hundred and five, and members of the house of representatives. The terms of office of the judges of the supreme court which would otherwise expire December 31st, in odd numbered years, and all other elective state, county and township officers, whose terms of office would otherwise expire in January in the year one thousand nine hundred and six, and members of the general assembly whose successors would otherwise be chosen in the year one thousand nine hundred and five, are hereby extended one year and until their successors are elected and qualified. The general assembly shall whose successors would otherwise be chosen in the year one thousand nine hundred and seven are hereby extended one year and until their successors are elected and qualified. The General Assembly shall make such changes in the law governing the time of election and terms of office of all other elective officers as shall be necessary to make the time of their election and terms of office conform to this amendment, and shall provide which of the judges of the supreme court shall serve as chief justice. The general assembly shall meet in regular session on the second Monday in January, in the year one thousand nine hundred and six, and also on the second Monday in January in the year one thousand nine hundred and seven, and biennially thereafter.

## APPENDIX II

### CONSTITUTION OF THE UNITED STATES

1. WE, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquillity, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America.

#### ARTICLE I

##### SECTION I

2. All legislative powers herein granted shall be vested in a congress of the United States, which shall consist of a senate and house of representatives.

##### SECTION II

3. The house of representatives shall be composed of members chosen every second year by the people of the several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

4. No person shall be a representative who shall not have attained the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

5. Representatives and direct taxes shall be apportioned among the several states which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the congress of the United States, and within every subsequent term of ten years, in

such manner as they shall by law direct. The number of representatives shall not exceed one for every thirty thousand, but each state shall have at least one representative; and until such enumeration shall be made, the state of *New Hampshire* shall be entitled to choose three, *Massachusetts* eight, *Rhode Island and Providence Plantations* one, *Connecticut* five, *New York* six, *New Jersey* four, *Pennsylvania* eight, *Delaware* one, *Maryland* six, *Virginia* ten, *North Carolina* five, *South Carolina* five, and *Georgia* three.

6. When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

7. The house of representatives shall choose their speaker and other officers, and shall have the sole power of impeachment.

#### SECTION III

8. The senate of the United States shall be composed of two senators from each state, chosen by the legislature thereof, for six years; and each senator shall have one vote.

9. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, and of the third class, at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

10. No person shall be a senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

11. The vice-president of the United States shall be president of the senate, but shall have no vote, unless they be equally divided.

12. The senate shall choose their other officers, and also a president *pro tempore* in the absence of the vice-president, or when he shall exercise the office of president of the United States.

13. The senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the president of the United States is tried, the chief justice

shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

14. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall, nevertheless, be liable and subject to indictment, trial, judgment, and punishment, according to law.

#### SECTION IV

15. The times, places, and manner of holding elections for senators and representatives shall be prescribed in each state by the legislature thereof; but the congress may at any time by law make or alter such regulations, except as to the places of choosing senators.

16. The congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

#### SECTION V

17. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

18. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and with the concurrence of two-thirds, expel a member.

19. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy, and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

20. Neither house during the session of congress shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

#### SECTION VI

21. The senators and representatives shall receive a compensation for their services, to be ascertained by law and paid out of

the treasury of the United States. They shall, in all cases except treason, felony, and breach of the peace be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house they shall not be questioned in any other place.

22. No senator or representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

#### SECTION VII

23. All bills for raising revenue shall originate in the house of representatives; but the senate may propose or concur with amendments as on other bills.

24. Every bill which shall have passed the house of representatives and the senate shall, before it becomes a law, be presented to the president of the United States; if he approve, he shall sign it, but if not he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal and proceed to reconsider it. If after such reconsideration two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the president within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the congress by their adjournment prevent its return, in which case it shall not be a law.

25. Every order, resolution, or vote to which the concurrence of the senate and house of representatives may be necessary (except on a question of adjournment) shall be presented to the president of the United States; and before the same shall take effect shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the senate and house of representatives, according to the rules and limitations prescribed in the case of a bill.

## SECTION VIII

26. The congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States;

27. To borrow money on the credit of the United States;

28. To regulate commerce with foreign nations and among the several states, and with the Indian tribes;

29. To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

30. To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

31. To provide for the punishment of counterfeiting the securities and current coin of the United States;

32. To establish post-offices and post-roads;

33. To promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

34. To constitute tribunals inferior to the supreme court;

35. To define and punish piracies and felonies committed on the high seas and offenses against the law of nations;

36. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

37. To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

38. To provide and maintain a navy;

39. To make rules for the government and regulation of the land and naval forces;

40. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

41. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the states respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by congress.

42. To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of congress, become the seat of the government of the United States, and to exercise like



authority over all places purchased by the consent of the legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dockyards, and other needful buildings; and

43. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof.

## SECTION IX

44. The migration or importation of such persons as any of the states now existing shall think proper to admit shall not be prohibited by the congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

45. The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

46. No bill of attainder or ex post facto law shall be passed.

47. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

48. No tax or duty shall be laid on articles exported from any state.

49. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state be obliged to enter, clear, or pay duties in another.

50. No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

51. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the congress, accept of any present, emolument, office, or title, of any kind, whatever, from any king prince, or foreign state.

## SECTION X

52. No state shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of

credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

53. No state shall, without the consent of congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws, and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the congress.

54. No state shall, without the consent of congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state or with a foreign power, or engage in war, unless actually invaded or in such imminent danger as will not admit of delay.

## ARTICLE II

### SECTION I

55. The executive power shall be vested in a president of the United States of America. He shall hold his office during the term of four years, and together with the vice-president, chosen for the same term, be elected as follows:

56. Each state shall appoint, in such manner as the legislature thereof may direct, a number of electors, equal to the whole number of senators and representatives to which the state may be entitled in the congress; but no senator or representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

This clause was superseded by the twelfth amendment to the constitution, which reads as follows:

The electors shall meet in their respective states and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the president of the senate. The president of the senate shall, in the presence of the senate and house of representatives, open all the certificates; and the votes shall then be counted. The person having the greatest number of votes shall be the president, if such number be a majority

of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the house of representatives shall immediately choose by ballot one of them for president; and if no person have a majority, then from the five highest on the list the said house shall in like manner choose the president. But in choosing the president the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the president, the person having the greatest number of votes of the electors shall be the vice-president. But if there should remain two or more who have equal votes, the senate shall choose from them by ballot the vice-president.

57. The congress may determine the time of choosing the electors and the day on which they shall give their votes, which day shall be the same throughout the United States.

58. No person except a natural born citizen, or a citizen of the United States at the time of the adoption of this constitution, shall be eligible to the office of president; neither shall any person be eligible to that office who shall not have attained to the age of thirty-five years, and been fourteen years a resident within the United States.

59. In case of the removal of the president from office, or of his death, resignation or inability to discharge the powers and duties of the said office, the same shall devolve on the vice-president, and the congress may by law provide for the case of removal, death, resignation or inability, both of the president and vice-president, declaring what officer shall then act as president, and such officer shall act accordingly until the disability be removed or the president shall be elected.

60. The president shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he may have been elected, and he shall not receive within that period any other emolument from the United States or any of them.

61. Before he enter on the execution of his office he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of president of the United States, and will to the best of

my ability preserve, protect and defend the constitution of the United States."

#### SECTION II

62. The president shall be commander-in-chief of the army and navy of the United States, and of the militia of the several states when called into the actual service of the United States; he may require the opinion, in writing, of the principal officer in each of the executive departments upon any subject relating to the duties of their respective offices, and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

63. He shall have power, by and with the advice and consent of the senate, to make treaties, provided two-thirds of the senators present concur; and he shall nominate, and, by and with the advice and consent of the senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the congress may by law vest the appointment of such inferior officers as they think proper, in the president alone, in the courts of law or in the heads of departments.

64. The president shall have power to fill up all vacancies that may happen during the recess of the senate, by granting commissions which shall expire at the end of their next session.

#### SECTION III

65. He shall from time to time give to the congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

#### SECTION IV

66. The president, vice-president, and all civil officers of the United States shall be removed from office on impeachment for and conviction of treason, bribery, or other high crimes and misdemeanors.

## ARTICLE III

## SECTION I

67. The judicial power of the United States shall be vested in one supreme court, and in such inferior courts as the congress may from time to time ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

## SECTION II

68. The judicial power shall extend to all cases in law and equity arising under this constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

69. In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be a party, the supreme court shall have original jurisdiction. In all the other cases before mentioned the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the congress shall make.

70. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the congress may by law have directed.

## SECTION III

71. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason

unless on the testimony of two witnesses to the same overt act, or on confession in open court.

72. The congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted.

## ARTICLE IV

### SECTION I

73. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

### SECTION II

74. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

75. A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

76. No person held to service or labor in one state, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

### SECTION III

77. New states may be admitted by the congress into this Union; but no new state shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states or parts of states, without the consent of the legislatures of the states concerned as well as of the congress.

78. The congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this constitution shall be so construed as to prejudice any claims of the United States or of any particular state.

## SECTION IV

79. The United States shall guarantee to every state in this Union a republican form of government, and shall protect each of them against invasion, and on application of the legislature, or of the executive (when the legislature cannot be convened), against domestic violence.

## ARTICLE V

80. The congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to this constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which in either case shall be valid to all intents and purposes as part of this constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the congress, provided that no amendments which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the senate.

## ARTICLE VI

81. All debts contracted and engagements entered into, before the adoption of this constitution shall be as valid against the United States under this constitution as under the confederation.

82. This constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the judges in every state shall be bound thereby, anything in the constitution or laws of any state to the contrary notwithstanding.

83. The senators and representatives before mentioned, and the members of the several state legislatures and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation to support this constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

## ARTICLE VII

84. The ratification of the conventions of nine states shall be sufficient for the establishment of this constitution between the states so ratifying the same.

Done in convention by the unanimous consent of the states present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

George Washington, President, and Deputy from VIRGINIA.

NEW HAMPSHIRE—John Langdon, Nicholas Gilman.

MASSACHUSETTS—Nathaniel Gorman, Rufus King.

CONNECTICUT—William Samuel Johnson, Roger Sherman.

NEW YORK—Alexander Hamilton.

NEW JERSEY—William Livingston, David Brearly, William Patterson, Jonathan Dayton.

PENNSYLVANIA—Benjamin Franklin, Thomas Mifflin, Robert Morris, George Clymer, Thomas Fitzsimons, Jared Ingersoll, James Wilson, Gouverneur Morris.

DELAWARE—George Read, Gunning Bedford, Jr., John Dickinson, Richard Bassett, Jacob Broom.

MARYLAND—James McHenry, Daniel of St. Thomas Jenifer, Daniel Carroll.

VIRGINIA—John Blair, James Madison, Jr.

NORTH CAROLINA—William Blount, Richard Dobbs Spaight, Hugh Williamson.

SOUTH CAROLINA—John Rutledge, Charles Cotesworth Pinckney, Pierce Butler.

GEORGIA—William Few, Abraham Baldwin.

Attest: William Jackson, *Secretary*.

## AMENDMENTS

## ARTICLE I

85. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.



## ARTICLE II

86. A well-regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

## ARTICLE III

87. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

## ARTICLE IV

88. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or things to be seized.

## ARTICLE V

89. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

## ARTICLE VI

90. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state or district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

## ARTICLE VII

91. In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

## ARTICLE VIII

92. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

## ARTICLE IX

93. The enumeration in the constitution of certain rights shall not be construed to deny or disparage others retained by the people.

## ARTICLE X

94. The powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people.

## ARTICLE XI

95. The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another state, or by citizens or subjects of any foreign state.

## ARTICLE XII

This article is printed under Section I of Article II, since it has superseded that article in the election of president and vice-president.

## ARTICLE XIII

98. SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

99. SECTION 2. Congress shall have power to enforce this article by appropriate legislation.

## ARTICLE XIV

100. SECTION 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

101. SECTION 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for president and vice-president of the United States, representatives in congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state.

102. SECTION 3. No person shall be a senator or representative in congress, or elector of president and vice-president, or hold any office, civil or military, under the United States or under any state, who, having previously taken an oath as a member of congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But congress may, by a vote of two-thirds of each house, remove such disability.

103. SECTION 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

104. SECTION 5. The congress shall have power to enforce, by appropriate legislation, the provisions of this article.

#### ARTICLE XV

105. SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous condition of servitude.

106. SECTION 2. The congress shall have power to enforce this article by appropriate legislation.

#### ARTICLE XVI

The congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment, among the several states, and without regard to any census or enumeration. Ratified, 1913.

#### ARTICLE XVII

The senate of the United States shall be composed of two senators from each state, elected by the people thereof, for six years; and each senator shall have one vote. The electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

When vacancies happen in the representation of any state in the senate, the executive authority of such state shall issue writs of election to fill such vacancies: Provided, that the legislature of any state may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any senator chosen before it becomes valid as part of the constitution. Ratified, 1913.

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